

805
No. 2251

United States
Circuit Court of Appeals

For the Ninth Circuit.

Apostles

(In 7 Volumes.)

MATSON NAVIGATION COMPANY, a Corporation,
Appellant,

VS.

UNITED ENGINEERING WORKS, a Corporation,
Appellee,

VOLUME I.

(Pages 1 to 304, Inclusive.)

Upon Appeal from the United States District Court for the
Northern District of California, First Division

FILED

JUL 1 - 1913

Records of the S. Circuit
Court of Appeals
80/54

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Northern District of California, First Division

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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*In the United States Circuit Court of Appeals for
the Ninth Circuit.*

MATSON NAVIGATION COMPANY, a Corp.,
Appellant,

vs.

UNITED ENGINEERING WORKS, a Corp.,
Appellee.

Stipulation as to Printing Record.

It is hereby stipulated and agreed by and between the parties to the above cause that the Matson Navigation Company, appellant herein, need not be required to print the following exhibits in the above cause sent up to this court as original exhibits:

1. Large black scrap-book containing stock cards introduced in evidence by the libelant and appellee herein, showing materials furnished for repair of the appellant's steamship "Hilonian."

2. Time and clock cards introduced in evidence in the above cause, showing time spent and work performed on said steamship "Hilonian."

3. Libelant's Curtis Exhibit No. 3, being time-sheets showing work done on board said "Hilonian."

4. Respondent's Exhibit Curtis No. 4, being duplicate of said Curtis Exhibit No. 3.

5. Libelant's Exhibit Heynemann No. 3, being detailed drawings and memoranda used by respondent's witness, Heynemann, in estimating the value of the repairs made on said "Hilonian," but that said exhibits may be considered by the Court as a part of the record herein even though not printed:

Provided, however, that the appellant herein be required to print in its brief herein, or as an appendix thereto, each and every stock card and each and every time and clock card on which it makes any specific attack in its said brief, and that said brief be served on appellee at least 20 days before the hearing. Provided, further, that if appellee deems it necessary for a fair presentation of the case that further parts of said omitted record be printed, then appellee shall be at liberty to order the same printed, and appellant agrees to advance the money for the payment of such additional printing, and it is mutually agreed that such payment may be taxed as costs by appellant in case costs are allowed it on this appeal.

Dated March 5th, 1913.

E. B. McCLANAHAN,

S. H. DERBY,

Proctors for Appellant.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Appellee.

[Endorsed]: No. 2251. U. S. Circuit Court of Appeals for the Ninth Circuit. Matson Navigation Co., Appellant, vs. United Engineering Works, Appellee. Stipulation as to Printing Record. Filed Mar. 5, 1913. F. D. Monckton, Clerk.

At a stated term, to wit, the October Term, A. D. 1912, of the United States Circuit Court of Appeals for the Ninth Circuit, held in the courtroom thereof, in the city and county of San Francisco, in the State of California, on Wednesday, the fifth day of March, in the year of our Lord one thousand nine hundred and thirteen. Present: The Honorable WILLIAM B. GILBERT, Circuit Judge; Honorable CHARLES E. WOLVERTON, District Judge; Honorable FRANK S. DIETRICH, District Judge.

No. 2251.

MATSON NAVIGATION COMPANY, a Corporation,

Appellant,

vs.

UNITED ENGINEERING WORKS, a Corporation,

Appellee.

Order on Stipulation as to Printing Apostles.

A stipulation of counsel as to printing the Apostles in the above-entitled cause having this day been filed, it is ORDERED that the said Apostles may be printed in accordance with the said stipulation.

*In the District Court of the United States, in and
for the Northern District of California, First
Division.*

IN ADMIRALTY—No. 15,013.

UNITED ENGINEERING WORKS (a Corpora-
tion),

Libelant,

vs.

MATSON NAVIGATION CO. (a Corporation),
Respondent.

Praecipe for Transcript on Appeal.

To the Clerk of the Above-entitled Court:

Please prepare transcript of record in this cause on appeal to the United States Circuit Court of Appeals for the Ninth Circuit to be filed in said court and include in said transcript the following:

1. Statement required by subdivision 1, Admiralty Rule 4, of the United States Circuit Court of Appeals for the Ninth Circuit.
2. All the pleadings and the exhibits annexed thereto, except papers omitted by stipulation dated December 7th, 1912.
3. All opinions of the Court on questions arising in said cause, and all orders made therein, including minute orders.
4. Court minutes of proceedings in above cause.
5. All testimony and depositions taken in said cause.
6. The original exhibits introduced in evidence

[1*] in said cause as per stipulation of counsel dated December 7th, 1912, and order made thereon.

7. Stipulations (2) of counsel as to Apostles on Appeal.

8. The Final Decree.

8a. Cost bill of libellant and rulings of Clerk and Judge thereon.

9. Notice of Appeal, Bond on Appeal, Notice of Filing Bond on Appeal and Assignment of Errors.

10. This Praecipe.

Dated, December 9th, 1912.

McCLANAHAN & DERBY,
Proctors for Respondent.

[Endorsed]: Filed December 9, 1912. W. B. Mal-
ing, Clerk. [2]

Statement of Clerk U. S. District Court.

*In the District Court of the United States in and for
the Northern District of California.*

PARTIES.

Libelant and Appellee: United Engineering Works,
a corporation.

Respondent and Appellant: Matson Navigation Com-
pany, a corporation.

PROCTORS.

For Libelant and Appellee: Nathan H. Frank, Es-
quire; Irving H. Frank, Esquire.

For Respondent and Appellant: Morrison and Bro-
beck, Esquires; McClanahan and Derby, Es-
quires. [3]

*Page-number appearing at foot of page of original certified Record.

1910.

March

7. Filed verified libel to recover the sum of \$34,737.72.

Issued Citation for the appearance of the Matson Navigation Company, a corporation, which said Citation was afterwards, on the 8th day of March, 1910, returned and filed with the following return of the United States Marshal endorsed thereon:

"I have served this writ personally by copy on Matson Navigation Company (a corporation), by handing to, and leaving with, H. B. Gregg, Secretary of Matson Navigation Company (a corporation), copy of the within Citation, this eighth day of March, A. D. 1910.

C. T. ELLIOTT,

U. S. Marshal.

By M. J. Fitzgerald,

Office Deputy Marshal."

April

22. Filed appearance of Morrison and Brobeck, and McClanahan and Derby, as proctors for respondent.

April

25. Filed respondent's exceptions to libel.

May

6. The exceptions filed in the above-entitled cause to the libel were this day argued and submitted to the Honorable George Donworth, Judge of the District Court of the

United States, for the Northern District of California, at San Francisco, and were by said Court ordered overruled. [4]

1910.

- | | | |
|-----------|-----|--|
| May | 16. | Filed answer of respondent. |
| May | 23. | Filed exceptions to answer of respondent. |
| May | 28. | A hearing on the exceptions to the answer filed by respondent was this day had before the Honorable George Donworth, Judge of this Court; the motion to strike exceptions from the files was denied. Further ordered that the first exception be and the same was allowed in part. (See opinion transmitted herewith.) |
| May | 31. | Filed order on exceptions to answer. |
| June | 17. | Filed respondent's amendment to answer. |
| June | 21. | Filed libelant's exception to amended answer.
Filed libelant's interrogatories propounded to respondent. |
| June | 22. | Filed respondent's exceptions to libelant's interrogatories. |
| September | 6. | A hearing on libelant's exceptions to amended answer and respondent's exceptions to libelant's interrogatories was this day had before the Hon. John J. De Haven, Judge of |

the District Court of the United States for the Northern District of California, at San Francisco. The same were duly argued by respective parties, and submitted to the Court for decision.

1910.

November 7. Filed order setting aside foregoing submission of exceptions to amended answer and interrogatories. [5]

December 5. A hearing on libelant's exceptions to amended answer and respondent's exceptions to libelant's interrogatories was this day had before the Hon. R. S. Bean, Judge of the District Court of the United States, for the Northern District of California, at San Francisco. The same were duly argued by respective parties, and submitted to the Court for decision.

December 19. By the Court ordered that the exceptions to amended answer be overruled.

Further ordered that the exceptions to libelant's interrogatories be overruled.

1911.

January 6. Filed petition of respondent for rehearing on exceptions to interrogatories propounded by libelant.

March 2. By the Court ordered that upon the

filing of points and authorities in reply to respondent's petition for rehearing of exceptions to libel, etc., stand as submitted to the Court for decision.

1911.

- | | | |
|-------|-----|--|
| March | 30. | Filed answer to petition for rehearing of exceptions to interrogatories propounded by libelant.
Filed respondent's reply to answer to the petition for a rehearing of exceptions to interrogatories propounded by libelant. |
| May | 3. | Filed memorandum opinion allowing the petition for rehearing of exceptions, etc., and that the order heretofore entered overruling exceptions [6] be vacated and set aside. |
| June | 2. | Exceptions to libelant's interrogatories were this day duly submitted to the Hon. John J. De Haven, Judge of this court, and upon briefs filed and to be filed. |
| June | 14. | Filed memorandum opinion sustaining respondent's exceptions to libelant's interrogatories. |
| June | 21. | Proctors for respective parties being present in open court, the Hon. John J. De Haven, presiding, and said counsel consenting thereto, ordered that this cause be referred to |

Jas. P. Brown, United States Commissioner, for the Northern District of California, to take the evidence and report the same to the Court.

1912.

September 16. Filed 4 volumes of testimony taken before United States Commissioner Jas. P. Brown, to whom this case was referred to take testimony.

September 16. This cause this day came on for hearing before the Hon. John J. De Haven, Judge of the District Court of the United States for the Northern District of California, and said hearing continued on the respective days until on September 20th, 1912, when said cause was submitted to the Court for decision.

November 21. Filed opinion.
Filed final decree.
Filed proctor's cost bill.

December 3. A hearing was this day had before the Hon. John J. De Haven, on the appeal taken from the taxation of costs made by the clerk of this [7] Court, and duly submitted, whereupon the Court ordered that the taxation of the clerk be affirmed.

December 3. Filed order as to taxation of costs.

December 5. Filed notice of appeal.

December 6. Filed bond on appeal.

December 31. Filed assignment of errors. [8]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS (a Corpora-
tion),

Libelant,

vs.

MATSON NAVIGATION CO. (a Corporation),
Respondent.

Libel.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, for the
Northern District of California.

The libel of United Engineering Works, a corpora-
tion, libelant, against Matson Navigation Co., a cor-
poration, respondent, and against all persons law-
fully intervening for their interest herein, in a cause
of contract, civil and maritime, alleges:

I.

That at all of the times hereinafter mentioned the
said libelant was, and still is, a corporation, organ-
ized and existing under and by virtue of the laws of
the State of California, having its principal place of
business in the city and county of San Francisco,
in said State.

II.

That at all the times hereinafter mentioned the
said respondent was, and still is, a corporation organ-
ized and existing under and by virtue of the laws
of the State of California, having its principal place

of business in the city and county of San Francisco, in said State, and at all of said times was, and still [9] is, the owner of the American steamer "Hilonian."

III.

That the said steamer "Hilonian," being in the port of San Francisco, in the District aforesaid, between the months of July and December, 1909, the said libelant furnished certain materials and performed certain labor on said vessel (the particulars of which are mentioned and set forth in the schedules hereto annexed marked 1, 2 and 3), toward the altering, equipping and repairing of said steamer, which said materials were furnished and labor performed at the special instance and request of the said respondent.

IV.

That the charges set forth in the schedules hereto annexed are just and reasonable, and that the said materials furnished and such labor performed upon said steamer were necessary and proper to the altering, equipping and repairing of said steamer.

V.

That the said repairs done, labor performed and materials furnished as aforesaid, amount to the sum of Thirty Thousand Nine Hundred and Fifty-five and 85/100 (30,955.85) Dollars, no part of which has been paid except the sum of Five Hundred and Twenty and 01/100 (520.01) Dollars, leaving a balance due and owing on said account of Thirty Thousand Four Hundred and Thirty-five and 84/100 (30,435.84) Dollars.

VI.

That payment for said sum became due on the 28th day of November, 1909, and the said libelant then demanded payment from said respondent of said sum, but said respondent has refused and neglected to pay the same, or any part thereof, and the whole amount of said Thirty Thousand Four Hundred and Thirty-five and 84/100 (30,435.84) Dollars is due and owing from said respondent [10] to this libelant, and no part thereof has been paid.

VII.

That all and singular the premises are true, and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

AND FOR A SECOND AND FURTHER CAUSE OF ACTION, THIS LIBELANT ALLEGES:

I.

That at all the times hereinafter mentioned the said libelant was, and still is, a corporation, organized and existing under and by virtue of the laws of the State of California, having its principal place of business in the city and county of San Francisco, in said State.

II.

That at all the times hereinafter mentioned the said respondent was, and still is, a corporation, organized and existing under and by virtue of the laws of the State of California, having its principal place of business in the city and county of San Francisco, in said State, and at all of said times was, and still is, the owner of the American steamer "Hilonian."

III.

That heretofore, between the months of July and December, 1909, the said steamer "Hilonian" being in the port of San Francisco, in the District aforesaid, the libelant furnished certain materials and performed certain labor on said vessel (the particulars of which are mentioned and set forth in the schedules hereto attached marked 4, 5, 6, 7, 8, 9 and 10), toward the altering, equipping and repairing of said steamer, which said materials were furnished and labor performed at the special instance and request of said respondent. [11]

IV.

That the said respondent promised and agreed to pay for the said work and materials the said several amounts in said schedules set forth, amounting in all to the sum of Four Thousand Three Hundred and One and 88/100 (4,301.88) Dollars.

V.

That payment of the said sum became due on the 28th day of November, 1909, and said libelant then demanded payment from said respondent of said sum, but said respondent has refused and neglected to pay the same, or any part thereof, and the whole of said Four Thousand Three Hundred and One and 88/100 (4,301.88) Dollars is due and owing from said respondent to this libelant, and no part thereof has been paid.

VI.

That all and singular the premises are true, and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

WHEREFORE, libelant prays that process in due form of law according to the course of this Honorable Court in cases of admiralty and maritime jurisdiction may issue against the said Matson Navigation Co., owner as aforesaid, and that it may be required to answer on oath all and singular the matters aforesaid; and that this Honorable Court will be pleased to decree the payment of the said sum of Thirty-four Thousand Seven Hundred and Thirty-seven and 72/100 (34,737.72) Dollars, together with interest, from the 28th day of November, 1909, and costs of suit; and that the said libelant may have such other and further relief as in law and justice it may be entitled to receive.

UNITED ENGINEERING WORKS.

By SAM J. EVA,
Pres.

NATHAN H. FRANK,
IRVING H. FRANK,

Proctors. [12]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Offices and Works:	Marine Railway 4000 tons.
224-232 Spear Street,	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 5140.	

San Francisco, Cal., September 27, 1909.

Sold to Str. "Hilonian" and Owners.

Terms

Schedule 1.

Renewed #4 tank tops on port side and secured fore and aft and thwart ship angle irons under same.

Cut 3 holes in bottom of ship to facilitate the cleaning of #4 tank. Patches riveted over holes 2-2 $\frac{1}{2}$ " sounding pipes supplied and fitted in #3 and #4 tanks. Secured angle iron bars in shaft alley for new flooring support. Supplied and fitted 4 new sheet iron guards for shaft alley couplings. Renewed and reconstructed floor plates and supports at back of engine. Raised floor plates over shaft and new angle bars supports fitted. Reconstructed handrails around L. P. valve motion and I. P. and H. P. engines. Made and fitted 2 sets iron guards for H. P. and L. P. crank pits. Straightened and patched bulkhead on port side of L. P. valve morion and division plate in filter tank. Re-flanged H. P. Ecc. slush pan drain holes cut in same and plug fitted. Supplied and fitted sheet iron cover for turning engine. Supplied and fitted new galv. iron casting for turning gear. Supplied and fitted new galv. iron slush pan for L. P. Ecc. Brackets for oil container made and fitted to bulkhead. Container ans tray fitted with lugs and secured to brackets. Lagging cut away between boilers in engine room. Scaled and cleaned combustion chambers sides and backs and tube sheets of boilers. Supplied and fitted 2- $\frac{3}{4}$ " new style try cocks. Lagging on main boilers repaired and renewed. Made and fitted one main stop valve stem and 2 W. Iron handles. Made 2 main and 2 donkey check valve discs and one seat. Made and fitted 2 valve discs, seat, yoke, stem and nut for aux. stem line over boilers. Supplied and fitted strap hangers on feed and bottom blow lines. [13] Drilled and tapped 2 holes in donkey

boiler shell for low water cocks. Overhauled and re-installed damper in mainstack and new handle fitted to same. Supplied and fitted one extra stanchion support under lower flange on after end of stack. Made 2 letters M, of Gal. iron and secured same to main stack. Smokestack guys, shackles, etc., overhauled and repaired. Made and fitted one ladder from main to 'tween deck. Made and fitted one ladder from 'tween deck to lower hold. Forged one clamp for broken stanchion on rail and fitted same. Patched broken beam in 'tween decks and stanchion made and fitted to same. Riveted and bolted stanchions as directed. Removed one stanchion, new foot welded to same and re-riveted. Forged and fitted 10 eye bolts, in hatch combings. Supplied bolts, nuts, washers and plates for hatch combings. Supplied and secured plates around stern frame, and line plates around stern tube boss. Bored out rudder head block. Made and fitted new brass liner for same. Made and fitted steel collar for same, rollers for chain leads from quadraunt raised. Bored out gudgeons on rudder post and made and fitted new brass bushing to gudgeons and bushing bored to fit pintles. New pintles with brass liners made and fitted. Made and fitted new locking pintle with nut and button. Trued up key way in new propeller hub. Made one propeller blade wrench. Overhauled steering gear eng. rods and couplings. Gears refitted with taper pins and oiling devices attached. Made and fitted one brass strainer for main injection with new bolts. Made and fitted 3 W. Iron plate strainers for aux. suction. All sea suction

valves drilled and tapped. Nipples and valves inserted and connected to stm. line. Chipped one inch off each propeller blade and trimmed same up. Altered and renewed pipes to engine room tank manifolds made and fitted strap supports for same. Made and fitted new 4" vapor line with flanges from evaporator to main condenser, new hangers fitted. Run 2½ gal. suction line from bottom blow to fire pump. [14] Holes cut in one frame and floor plate to run this line. All copper pipes connected using new joints, bolts, etc., throughout. Renewed fittings on whistle line above umbrella. Size of hole in lagging around H. P. relief valve increased. Altered and repaired lagging on L. P. receiver. Removed forward bilge pump body to braze copper pipe, studs renewed and studs replaced. Made and fitted one C. Iron bonnet for forward line pump. Bored out air pump links made and fitted new parting pieces planed off brasses, made new locking collars, shortened binder bolts, trued up pins and re-fitted. Face off flanged of air pump floating top, made and fitted holding lugs for pump barrel, made and fitted new bronze tap bolts for same. Made and fitted brass bushing for pump cover. Removed circ. pump barrel to shop and faced off. Made and fitted new cast iron gland for old circ. pump plunger. Made 2 brass links and one crosshead for sanitary pump. Turned down thrust shaft couplings and faced off. Bearing trued up and shaft turned down at each end of thrust collars. Chipped and filed ribs at each end of thrust box, drilled holes in same and studs fitted. Made and fitted two brass stuffing

boxes completed to thrust box. Portion of shaft alley bulkhead cut out, removed one length on intermediate shaft to shop, forward coupling faced and turned down and bearing trued up. All other int. shaft bearings trued up in place. Couplings bolt holes in int. shafting reamed out. 9 bolts renewed and fitted. Water service for thrust reconstructed. Trued up I. W. P. Crankshaft by hand. I. P. crpin brasses re-metaled, bore out and re-bedded. Horse-shoes planed off on sides. Planed off main journal binders on sides and bottom, hand holes enlarged and holes plugged. Made and fitted 12 norw. iron holding down bolts for spg. bearing and thrust box. H. P. and I. P. valves removed for examination, cleaned, oiled and replaced. Crosshead yokes of H. P. and L. P. valves removed to shop. Brasses bored and planed and yokes filed off. New gibes made and fitted to brasses, all parts refitted and valves reset. L. P. Piston and follower [15] faced off on ring pckg. bearing faces. Lug thrust spare L. P. valve stem. Made new nut for valve. Made and fitted new binder bolts and nuts to foot of valve stem. Removed lower head of I. P. valve chest to shop and drilled same from $1\frac{1}{2}$ drain plug; holes drilled in ribs of cover. Made and fitted $1\frac{1}{2}$ brs. drain plug to I. P. valve chest cover. Made and fitted 4 brass parting pieces for L. P. Ecc. straps. Made and fitted iron distance pieces for H. P. Ecc. rods. Made and fitted brs. neck bushing to L. P. valve chest. Guide brasses of L. P. valve stem bored out and refitted. Renewed and fitted L. P. cut off screw to block, block reconstructed and supplied with locking nut and

washer. Made wrench for locking nut of same. Planed off parting pieces of I. P. crosshead and made new shims for same. Repaired and refitted cross head oil cups. 6 holes drilled in crosshead binders. Made and fitted Ecc. strap and sheave for turning engine and renewed all bolts, nuts and washers for same. Supplied new Dowels and set screws for main journal and crpin locking collars. Overhauled all throttle, reversing, passover and drain rods, supplied new pins and refitted same. Connected up all coffer drains using new jointings, bolts, nuts and washers. Supplied and fitted 1½ brs. nipple and lunk. Globe valve to drain on main stm. Line made and fitted new brass water service to guides with galv. drains and reconnected all water service lines in engine room and shaft alley. Made one new crankpin wrench. Repaired old crosshead wrench as directed. Renewed aft beam center housing and refitted brasses in both housings. Chipped forward patch on #3 housing. Tested all bolts and rivets in patches on #3 housing, made and fitted 2 new bolts and nuts in same. Made and fitted stm. gauge boards in engine and fire rooms, connected up gauges, tested 3 stm. gauges, supplied 2 stm. and 2 Ammonia gauges. Made and fitted new bonnet compl. for main injection valve. Engine room tank main folds removed to shop and bored out. Made and fitted new brs. valve seats and discs for same. Supplied one oil cup for Howden draft pan engine. [16] Supplied one Challenge metal ring casting. Made and fitted straps for hanging spare horse-shoe and 2 adjusting nut wrenches. Made 4-1¼ bolts,

nuts and washers for holding down brasses in place. Made 2 swivel eye bolt strove backs for handling main bearing crown brasses. Drilled holes and made eye bolts and fitted under cylinder for handling. Removed patch between cylinders, chipped and faced joints, renewed patch and replaced lagging. Filled up beam centers and drag link pins. Put new asbestos tape under all cyl. heads and L. P. valve chest cover. Overhauled revolution counter and reconstructed all rods and levers of same. Made drawings and sketches. Joints between air pump body and condenser, air pump body and valve chest were re-made, the pump was removed and joint faces were tested and all filed to a true surface before rejoining all, bolts and washers of these joints were renewed, enlarged studs on air pump, corrugated gasket placed in joints. Made a 12" balance cylinder completed with piston, bull ring, rings, etc., and fitted over L. P. valve. Chipped and faced same on top, made and fitted a square washer and locking nut on the valve. Lengthened the valve and finished in lathe, installed the above complete in vessel, with the necessary pipe connections, etc. Removed the high pressure and low pressure shoes, cast and finished new ones which were lined with challenge metal, made and fitted new plates to guides.

Removed the L. P. straps and bored same out to suit eccentric sheaves, the top halves were pocketed and babbitted and refitted same aboard ship. Turned up sheaves were turned up and 2 new bolts and nuts were made and fitted. Bored out the high pressure cylinder and counterboard cast, finished and

fitted new bull. Cast, finished and fitted a manganese bronze patch of average 1" section to #1 housing. Bolt holes in #2 coupling were reamed out and new bolts fitted to Norway iron. Bearings of the crankshaft were filed up and oiled stoned by hand.

Removed the blow off cocks on shin of ship, and supplied new [17] cocks and installed same. All sea valves re-ground and all strainers were removed and cleaned while in dock. Made new valve stem and nut and fitted same to main injection valve. Removed valve chamber of circulating pump and fitted plate under same to take old studs fitted. [18]

Cast iron	3060#	.04	\$ 122.40
“ brass.....	942#	.30	282.60
“ bronze.....	676#	.35	236.60
Rod iron.....	60#	.04	2.40
Challenge metal....	608#	.45	273.60
Sheet iron....	525#	.04	21.00
Steel plate....	8385#	.04	335.40
Channel & Angle iron.....	2020#	.04	80.80
Angle iron.....	130#	.04	5.20
Red lead putty.....	309#	.10	30.90
Rivets.....	731#	.05	36.55
c' A. S. K. Rivets.....	13#	.07	.91
C. R. Steel..	214#	.05	10.70
Forgings.....	3231#	.04	129.24
Sheet brass.....	5#	.30	1.50
Rod brass.....	3#	.50	1.50
Manz. bronze patch.....	897#	.35	313.95
2 20'— $\frac{3}{4}$ " pipe.....			1.65
1— $\frac{3}{4}$ brass—5— $\frac{3}{4}$ blk. Ells.....			.50
1— $\frac{3}{4}$ x3 brass nipples.....			.25

1— $\frac{3}{4}$ lunk. globe valve.....	.90
2— $\frac{3}{4}$ brass unions.....	1.00
24#— $\frac{3}{4}$ " brass pipe.....	8.40
12— $\frac{3}{4}$ x $2\frac{3}{4}$ —24—1x $3\frac{1}{4}$ studs.....	7.80
2— $\frac{1}{2}$ x $1\frac{1}{2}$ —1— $\frac{5}{8}$ x $1\frac{1}{4}$ set screws.....	.06
2# King packing	1.60
6— $\frac{1}{8}$ x1—6— $\frac{1}{8}$ x $1\frac{1}{2}$ —1— $\frac{3}{16}$ x2—4— $\frac{1}{4}$ x2 split pins.....	.10
2— $\frac{7}{8}$ —2—1"—10— $1\frac{1}{4}$ hex nuts.....	.75
2#— $\frac{3}{4}$ hex brass.....	.60
2 — $\frac{1}{2}$ x $\frac{3}{4}$ — 4 — $\frac{3}{4}$ x $2\frac{1}{4}$ — 9—1x $2\frac{1}{2}$ —5— 1x $3\frac{1}{2}$ cap screws.....	1.75
8# solder..... .25	2.00
10 gals. gasoline.....	1.80
2 doz. candles.....	.50
5 sheets tin.....	1.50
8# Blue steel... .05	.40
5# Russian iron..... .10	.50
4— $\frac{5}{8}$ —8— $\frac{7}{8}$ —52—1" washers.....	.60
8— $\frac{7}{8}$ x4—7— $1\frac{1}{4}$ x4—2— $1\frac{1}{4}$ x $4\frac{1}{2}$ bolts	1.95
1— $\frac{1}{4}$ brass plug.. ..	.10
41#— $1\frac{1}{4}$ C. R. Steel..... .05	2.05

Carried forward....\$ 1922.01

[19] Brought forward....\$ 1922.01

Template wood.....	6.70
3# Blue Steel..... .05	.15
10# Russian iron..... .10	1.00
200# Lignum Vitae..... .06	12.00
7# rod bronze..... .35	2.45
10— $\frac{3}{8}$ x1—2— $\frac{3}{8}$ x $2\frac{1}{2}$ — 24— $\frac{1}{2}$ x $1\frac{1}{2}$ — 2— $\frac{1}{2}$ x11 —2— $\frac{5}{16}$ x2—8 — $\frac{1}{2}$ x5—2— $\frac{3}{8}$ x	

1½—6—1½x1— 4—5⁄8x1½—14— 5⁄8x2 —24—5⁄8x2½—9—5⁄8x3— 2—5⁄8x3½— 2—5⁄8x3½— 2—5⁄8x6— 8—¾x1½—16 —¾— 6—¾x4— 2—¾x3½— 4—¾x 4½— 4—¾x6—4—¾x10— 12—¾x12 —3— ¾x18— 4—7⁄8x2½— 4—7⁄8x4— 3—7⁄8x10—1—1x3—20—1x4½ bolts..	11.95
12—3⁄8—12—1½—12—5⁄8—19—¾—38—7⁄8 6—1"—4—1⅞—8—1½ washers.....	1.00
6—5⁄8—6—¾—1—1" brs. 12—5⁄8—18—¾ —81 —7⁄8—4—1"— 6—1⅞—4—1¼— 8—1½ hex nuts.....	13.95
8—1½x1— 2—¾x2½— 4—¾x4—2—n7⁄8x2 set screws.....	.54
8—1½x4—4—5⁄8x2½—2—¾x4 screws.....	.42
8—5⁄8x2¼— 2—5⁄8x4½— 2—¾x10½—4— 7⁄8x4—7—1x3¼—10—1x3¾ studs.....	7.10
5#—3' hex tool steel.....	.75
36—3⁄8x1¼—2—3⁄8x1½—2—1½x2— 4—5⁄8 x3—1—¾x2—4—7⁄8x1¾—4—7⁄8x2—4 —1x2 cap screws.....	1.52
24— 14/20x¾— 6—16/18x¾ brs. —45— 14/20x3⁄8—120—1½x1 mach. screws...	.80
189 Rags.....	9.45
180 doz. candles.....	45.00
46 gals. gasoline.....	8.28
23 " coal oil.....	5.75
48'—1½ pipe.....	4.50
2—1½x3⁄8—1—1½x1¼—1—3x1½ bushs...	.24
3—3⁄8—1—3⁄8x2— 1—3⁄8x2—1—3⁄8x18—1— 1½x3—1—¾x5 nipples.....	.19
1—1½—2—1½ serv. cocks.....	3.25

3— $\frac{3}{8}$ —4— $1\frac{1}{2}$ ells.....	.54
1—3" flange.....	.34
1— $\frac{3}{4}$ brs.—5— $\frac{1}{2}$ —1— $1\frac{1}{2}$ blk. plugs.....	.26
25#—sheet lead.....	2.50
4 sheet tin.....	1.20
1— $\frac{3}{16}$ x $1\frac{1}{2}$ brass split pins.....	.68
37#—blk. rubber.....	11.10
6#—Flax packing.....	2.40
3# King packing.....	2.40

Carried forward....\$ 2080.47

[20]

Brought foward....\$ 2080.47

1145#—Check floor plate.....	.05	57.25
200#—#14 gal. sht. iron.....	.05	10.00
145# rd. & flat iron.....	.03 $\frac{3}{4}$	5.43
290#—blue steel.....	.05	14.50
220#—Norw. iron.....	.05	11.00
8# Band iron.....	.05	.40
21# Russian iron.....	.10	2.10
Template wood.....		37.40
5# sheet brass.....	.30	1.50
35#—brass rod.....	.30	10.50
63# bronze rod.....	.35	22.05
5# sheet copper.....	.30	1.50
3#— $\frac{1}{2}$ " brass pipe.....	.35	1.05
95# sheet zinc.....		9.50
37 doz. candles.....		9.25
17 gals. gasoline.....		3.06
10 " coal oil.....		2.50
5 " polar oil.....		3.00
102# rags.....		5.10

12—3/16x1—9— 5/16x1—94— 3/8x1—95— 3/8x1 1/2—6— 3/8x2—18— 1/4x1—72—1/2 x1—91— 1/2x1 1/2—41— 1/2x2—2—1/2x 2 1/2—4— 1/2x3—15— 1/2x4—29— 1/2x 4 1/2—6— 1/2x5—4—1/2x12— 2—5/8x1— 126— 5/8x1 1/2—168— 5/8x2—74— 5/8x 2 1/2—7— 5/8x3—3— 5/8x4—4—40—3/4x 1—64— 3/4x1 1/2—129— 3/4x2—139—3/4 x2 1/2—42—3/4x3—4— 3/4x3 1/2—6—3/4x 4— 5x3/4x5—3— 3/4x6—6— 3/4x6 1/2—8 —3/4x8—2— 3/4x8 1/2—6— 7/8x2 1/2—8— 7/8x3—11— 7/8x3 1/2—16— 7/8x3 1/2—16 —7/8x4—1— 1x3—8—1x3 1/2—4—1x12 bolts.....	51.20
24—3/16x3/4—48— 3/16x1 1/4—4— 1/4x1 1/2— 12—5/16x3/4 stove bolts.....	.30
2—1/4x3/4—13— 3/8x3/4—9— 3/8x1 1/2—2—3/8x 1—8— 1/2x1 1/2—26— 1/2x3/4—28—1/2x1 —1—1/2x1 1/2—3— 1/2x2 1/2—4— 1/2x2 3/4 —27— 5/8x1—12— 5/8x1 1/4—9— 5/8x1 3/4 —1— 5/8x2—2—3/4x1—11— 3/4x1 1/4— 2— 3/4x1 1/2—2— 3/4x2 1/2—5— 7/8x2—3 —7/8x2 1/2—1—1x2 cap screws.....	5.20
2—1/2x2 1/2—1— 1 1/2x3 1/2—17— 5/8x2—2— 5/8x3—32— 3/4x2 1/2—1— 3/4x2 3/4 —2— 7/8x2 3/4—4—7/8x6 studs.....	8.38
4—1/2x3—2—5/8x3 1/2—3—3/4x8 lag screws.	.40
2—3/8x3/4—1— 1/2x1—6— 1/2x1 1/4— 6—5/8x 1—2—3/4x1—1—3/4x1 1/2 studs.....	.30
24—1/4—4— 5/16—4— 3/8—110— 1/2—46— 5/8—101—3/4—57—7/8—7—1" washers.	2.48
24 washers as per sample.....	1.50

United Engineering Works.

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6—1½—6—5⁄8—2—¾ brass nuts.....	1.98
2—1½ sleeves.....	.06
1—1½x¾ reducer.....	.05
8—#14x2—14—#18x2 brs. wood screws..	.88
1# gal. tacks.....	.15
500# cement.....	4.50
1600# sand.....	1.60
44—16 cp.—110 and el., lamps.....	11.00
16—Ed. Atl. plugs.....	4.80
3—1½x27" studs.....	.90

Carried forward....\$ 2383.24

[21]

Brought Forward.... \$2383.24

300' —#18 marine port. cable.....	24.00
2 copper corr. gaskets.....	8.00
8 rolls friction tape.....	2.00
5# blk. powder.....	2.50
23# lubricating comp.....	6.90
1½ gal. antifouling paint.....	2.00
12# solder.....	.25 3.00
3# brass wire gauze.....	1.20
5# smoothon.....	1.75
15# brown soap.....	.75
3# graphite....	.90
73' teak.....	18.25
Sawing teak.....	5.50
11# tallow.....	1.10
13# litharge.....	1.95
1 gal. glycerine.....	2.80
6—21½ hex nuts.....	4.40
250'—#14 R. C. Wire.....	10.00

75 gals. distillate.....	7.50
10# Glaners putty.....	.50
3—3/16x127/8x361/2 corr. lights.....	5.50
Supplying Bitumastic Solution.....	328.00
18 —1/4—48 —3/8—2—1/2—23—5/8— 19—3/4 —46—7/8— 12—1"— 16—11/4—2— 17/8 —21—2" hex nuts.....	27.03
2—3/32x5/8—6—1/8x1— 10—1/4x2— 1—1/4x 2 1/2— 1—5/16x1 1/4— 1—3/8x2— 1—3/8x 3 split pins.....	.24
2—#5x2 1/4—4—#7x3 1/2 taper pins.....	.40
20—1/8x1 1/2 brs. wood screws.....	.40
18— 14/20x3/4—8—24/16x1— 48— 24/16x 1 3/4 mach. screws.....	.45
6— 20/18x3/4— 10—20/18x1— 12— 24/16x 1 1/2 brass mach. screws.....	.75
6# nails.....	.30
6# solder.....	2.10
2# Amazon packing.....	1.40
36# King packing....	28.80
50# Flax packing.....	20.00
9# Gladiator packing.....	6.30
33# blk. rubber.....	9.90
15'—3/8"—44'—1/2— 17'—1"—5'— 11 1/4"—2' — 11 1/2"—24'—2 1/2 gal.—3'—1/4—545'— 1'—120'—11 1/4"—21'—11 1/2—20'—4" blk. pipe	50.64
5—1/4—2—1/2—45 deg—3—3/4 brs—3—1/2— 2—1/2 str.—4—1/2—45 deg—4—11 1/4—1 —11 1/4—45 deg—2—11 1/2—2—2—45 deg —1—2 1/2—4—2 1/2—45 deg—1—3—45 deg gal.—2—3/8—1—3/4—13—1"—1—	

1—45 deg.—10—11¼—8—11½—7—11½	
—45 deg—2—2"—1—4" blk. ells.....	11.61
1—1½ hrs—1—4" gal.—1—1¼—3—1½—3	
—¾x¾x1½—1—2x2x1¼ blk. tees....	3.58
2—1½—2—¾ brs—4—½—1—1"—1—1¼	
—1—1½—1—2" gal—1—¾—5—1"—	
4—1½ blk. unions.....	6.17

Carried forward.... \$2991.81

[22]

Brought forward....\$2991.81

5—¼—2—½—4—¾—1—2" sleeves50
1—1¼—1—1½ cross.....	.36
1—¾x¾—3—1¼—½—1—2x1½—1—3x	
1½ bushes.....	.35
6—¼x1¼—2—¾—6—1—½—1—1½x3	
brs—3—½—1—½x2—4—1½—1—	
1½—2—3—1½x3 gal. 5—¼—3—¾—	
1—½—12—½x4—2—1x5—1—1¼—1	
—1¼x3—1—1¼x3—1 bl. ¾x6—2—	
1½—1—1½x2½—2—2"—1—4x6—1	
—4x15 blk—1—1x4—2—1¼x4—1—	
1½ ex heavy nipples.....	5.22
1—½x¾—2—1x¾ brs—1—1¼x¾—1—2x	
1½ gal.—1—½x1¼ blk bushes.....	.98
1—2" gal. lock nut.....	.35
2—2½ gal.—2—¾ blk caps.....	.51
1—½x½—1—1x½ reducer.....	.12
1—¾ brs.—1—1½—1—2 blk. plugs.....	.26
2—2"—4—2½—1—4" gal.—1—2½—1—3	
—1—4" blk flanges.....	5.30
6—½—2—1½ std. globe valves.....	6.17
1—½—1—1"—1—1¼—1—1½ angle—1—	
1"—1¼—1—1½ lunk globe valve....	10.50

30 *Matson Navigation Company vs.*

1—2½" fldg. angle—1—2½ fldg. lunk.	
globe valve.....	36.50
2 sheets tin..	.60
2 rolls friction tape.....	.60
21—16 cp. 110 v. el. lamps.....	5.25
2# pipe compound.....	.60
2# marline.....	.50
2 corrugated copper gaskets.....	1.75
2—¼—2—⅜ grease cups.....	4.00
7—¼—4—⅜—2—½ oil cups.....	5.20
2—1½ comp. India oil stoves.....	2.00
brs. swivel haspt.....	.90
½ gal. glycerine.....	1.40
3 balls lamp wicking.....	.30
6# asbestos tape.....	6.00
1—1pt. chase feeder can.....	.50
1—4½" C. I. Stm. gauge 80#.....	1.50
2—6"—2—8½ I. C. Stm. gauges.....	21.00
2—¾ new style try cocks.....	8.00
1—6" face comp. ammonia gauge.....	17.75
1 eng. lubricator....	2.00
2 knuckle forgings....	4.20
Alter and installing stm. and vacuum gauge	
pipes.....	30.00
2# oakum30
1000# Portland cement.....	9.00
Galvanizing 8 pcs. of plate.....	4.55
30—¾x3 pipe separators.....	.60
Patternwork.....	324.10

Carried forward....\$3511.53

Brought forward....\$3511.53

Shop:

Ironworkers.... ..370 hrs. .55 203.50

Shears punch & counter-
conk..... ..149 “ .80 119.20

Bending slab, oil fur-
nace..... ..79 “ 1.50 118.50

Machinists.. ..3384 “ .60 2030.40

Machinist & Machine.1566 “ .80 1252.80

Machinist & Machine:

Large tool.. ..944 “ 1.50 1416.00

Helpers..... ..1124 “ .40 449.60

Blksmith, fire & helper.194 “ 1.50 291.00

Blksmith, Fire & Helper:

Steam hammer..... ..78 “ 2.00 156.00

Running crane in shop..64 “ 1.50 96.00

Running power house
at night..... ..480 “ 1.50 720.00

Foreman.... ..292 “ .65 189.80

Planer.... ..13 “ 1.50 19.50

Rolls..... ..7 “ 1.50 10.50

Draftsman.... ..45 “ .80 36.00

Ship time:

Machinists.... ..10,534 “ .60 6320.40

Helpers.... ..10,027 “ .40 4010.80

Steamfitters.. ..358 “ .60 214.80

“ helpers ..205 “ .40 82.00

Ironworkers4,316 “ .55 2373.80

Air tool & operator..1,023 “ 1.25 1278.75

Machinists & Air tools..63 “ 1.25 78.75

Laborers.... ..3,457 “ .40 1382.80

32 *Matson Navigation Company vs.*

Foreman.. . . .	1,096	“	.65	712.40
Ship wrights.... .	8	das.	5.50	44.00
				<hr/>
				\$27118.83

Docking, Cleaning and Painting:

Cleaning and painting 2 coats.....	246.00
Docking 6 da. @2654—15924 tons—	
@.10.....	1592.40
Docking 4 nights—10616 tons—@.10	1061.60
<hr/>	
\$30018.83	

31814

[24]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street,	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 24, 1909. 190.

Sold to Str. “Hilonian” & Owners. Terms.

Schedule 2.

8000'—1x12 O. P. #1.....	\$120.00
2000'—1x6 & 1x10 O. P. # 1 6—2½x8 steel	
wire brushes.....	2.10
12½# Litharge.....	1.87
2—5/8x14 Gauge Glasses.....	.20
6—35# Adams superior brushes.....	9.00
8—16 c. p. 110 v. ol. lamps.....	19 1.52
1 Sash tool.....	.10
1 Marking brush.....	.15
7# Manganosite.....	7.70

United Engineering Works. 33

6 steel scrapers.....	2.00
93# nails.....	4.65
40—1½x2—36—5⁄8x2—36—5⁄8x2½—6—¾x3¼ —6—7⁄8x2½ bolts.....	4.32
1—1" galv. flange.....	.36
7# King packing.....	5.60
2—1¼x1¼ bushs.....	.12
3 doz candles.....	.75
6—1" sleeves.....	.36
1—1¼x3 nipple.....	.06
55# Red lead paint.....	5.50
5 gals. coal oil.....	1.25
36—1½x4 car bolts.....	2.50
<hr/>	
\$170.06	

31785—5299 [25]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
224-232 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 5140.	

San Francisco, Cal., October 25, 1909. 19

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 3—Page 1.

Made 12 stake wedges. Made 6 scaling bars.
 Made 2 brine cocks as per sketch. Supplied 3 compr.
 grease cups and 2 bushs. Supplied one piece of iron
 7⁄8x4x6 (no charge). Forged and finished one key.
 Forged one bracket and drilled holes in same.
 Threads trued up on 8 coupling bolts. Re-tempered

4 safety valve springs. Faced 2 bronze bands. One bronze valve stem turned up. Made one steel forging for valve bonnett and fitted same to bonnett. Bonnett shaped to suit forging. Fitted 2 coupling bolts and chased threads in nuts for same. Made 2 W. Iron wrenches. Supplied material. Made one low pressure follower, and made one spare set of high pressure piston rings. *Working overtime.*

12 stake wedge forgings.....	\$	2.20
2 scaling bar forgings.....		7.20
Gun metal in brine cocks 48#.....	.32	15.36
100' blocking		3.00
12—18" wedges75
2 wrench forgings for brine cocks.....		2.40
1 bracket forging		1.80
1 key forging		2.60
4 pr. 1 $\frac{1}{4}$ Ammonia flanges.....		3.80
1—2" deck plug.....		2.00
9' teak		2.25
2—#3 ideal grease cups.....		3.58
Retemper 2 springs.....		2.80

[26]

1 steel forging 10#.....	.05	.50
8— $\frac{3}{4}$ x4 $\frac{1}{2}$ Norw. iron studs.....		1.80
9# C. R. Steel.....	.05	.45
2— $\frac{5}{8}$ x2 $\frac{3}{4}$ cap screws.....		.10
2— $\frac{3}{4}$ brs. tees.....		.72
2—1 $\frac{1}{4}$ steel flanges.....		2.00
4— $\frac{5}{8}$ x2 studs42
3— $\frac{3}{16}$ x2 $\frac{1}{2}$ split pins.....		.03
1—1 $\frac{1}{2}$ " brass flange.....		.60
Bolt & Nur forgings.....530#	.04	21.20

United Engineering Works. 35

Cast iron follower.....	990#	.04	39.60
“ “ piston ring	155#	.04	6.20
1 doz candles.....			.25
Patternwork			12.00
Eye bolt forgings.....	40#	.04	1.60

SHOP.

Machinists	60 hrs.	.60	36.00
Machinist & Machine.....	117 “	.80	93.60
“ on large tool....	57 “	1.50	85.50
Helpers	52 “	.40	20.80
Blksmith, Fire & Helper...	10 “	1.50	15.00
“ on steam hammer	7 “	2.00	14.00
Running powerhouse at night	15 “	1.50	22.50

SHIP.

Machinist	162 “	.60	87.20
Helpers	72 “	.40	28.80

\$540.61

31875—5528—1818 [27]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., October 30, 1909. 190.

Sold to Str. “Hilonian” Matson Navigation Co.

Terms.

Schedule 3—Page 2.

Made one L. P. Piston follower. Made one spare
set H. P. Piston ring.

NIGHT.

C Iron follower.....	990#	.04	39.60
“ “ piston rings	115#	.04	6.20
1 doz. candles.....			.25
Patternwork			11.10
Eye bolt forgings.....	40#	.40	1.60

SHOP.

Machinists	30 hrs.	.60	18.00
Machinist & Machine.....	21 “	.80	16.80
“ on large tool.....	55 “	1.50	82.50
Helpers.....	47 “	.40	18.80
Blksmith, fire & helper.....	2 “	1.50	3.00
Running Powerhouse at night	15 “	1.50	22.50

SHIP.

Machinist	10 “	.60	6.00
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\$226.35

31872—5528 [28]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 27, 1909. 190

Sold to Str. “Hilonian” & Owners. Terms.

Schedule 4.

Bored out and remetal 5 springs—bearings as agreed	\$330.00
Remetal horse shoes in thrust on one side only—plane to size—groove for oil and fit to collars—as agreed.....	146.88

United Engineering Works. 37

Grind off I. P. piston rod—as agreed.....	50.00
Supply and fit in place 5— $\frac{3}{8}$ " check floor plates as agreed.....	50.00
New elbow in Donkey boiler stack—as agreed	40.00
	<hr/>
	\$616.88

31786—5295 [29]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 27, 1909. 190.

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 5.

Repairs to ladders, floor plates and gratings
in Engine room as per agreement.....\$190.00

31728—5390 [30]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 27, 1909. 190

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 6.

Renewed 35 rivets in connection. Caulk
70' of seam. Renew one Tube in main
boiler, as agreed.....\$140.00

31729—5317 [31]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.**Marine and Stationary Machinery of All Kinds.**

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 30, 1909. 190

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 7.

Make and install one brake rig on reversing
shaft as agreed.....\$140.00
31789-5401 [32]

Schedule 8.

All Agreed Prices,—Net Cash.

UNITED ENGINEERING WORKS.**Marine and Stationary Machinery of All Kinds.**

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 22, 1909. 190

Sold to Str. "Hilonian" & owners. Terms.

Cast and finish 4 new bearing boxes for main
journals.

Cast and finished 4 new bearing boxes for
main journals.....\$1350.00
31787-5009 [33]

Schedule 9.

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 24, 1909. 190

Sold to Str. "Hilonian" & owners. Terms.

Make new smoke stack 8'x46' Remove old stack and install new one. Enlarge casing below umbrella. Make new top for breeching, and 2 turnbuckle hangers.

To construction of new smoke stack remov-

ing old and installing new.....\$ 900.00

Enlarged Casing as agreed..... 60.00

Made new top for breeching and made 2 new

turnbuckle hangers—as agreed..... 180.00

\$1140.00

31790-5389 [34]

Schedule 10.

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 21, 1909. 190

Sold to Str. "Hilonian" & owners. Terms.

Renew 2 bottom tube sheets in forced draughts.

Renew 2 back heads, 2 division head and 4
tube in smoke box.

Contract.....\$725.00
31788-5313. [35]

United States of America,
Northern District of California,—ss.

Sam J. Eva, being duly sworn, deposes and says:
That he is an officer of the United Engineering
Works, a corporation, Libelant in the above-entitled
cause, to wit, the President thereof; that he has read
the foregoing Libel and knows the contents thereof;
that the same is true of his own knowledge, except
as to the matters therein stated upon information and
belief and that as to those matters he believe it to be
true.

SAM J. EVA.

Subscribed and sworn to before me this 7th day of
March, 1910.

[Seal]

M. T. SCOTT,
Deputy Clerk U. S. District Court, Northern Dis-
trict of California.

[Endorsed]: Filed Mar. 7, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [36]

**[Order Allowing Respondent Ten Days' Further
Time to Make Tender and Deposit of Amount
Admitted Due Libelant.]**

At a stated term of the District Court of the United
States of America for the Northern District of
California, held at the courtroom thereof, in the
city and county of San Francisco, on Friday, the

22d day of April, in the year of our Lord, one thousand nine hundred and ten. Present: The Honorable WILLIAM C. VAN FLEET, Judge.

#15,013.

UNITED ENGINEERING WORKS, a Corporation,

vs.

MATSON NAVIGATION CO., a Corporation.

On motion of E. B. McClanahan, Esqr., one of the proctors for respondent, and the filing of an affidavit in support thereof, it is by the Court ordered that the above-named respondent be, and it is hereby allowed ten days, further time within which to make tender and deposit of such amount as said respondent may admit to be due and owing to said libelant for the supplies, work and material furnished to and upon respondent's said S. S. "Hilonian," which form the subject matter of this action, and upon such tender and deposit being made there shall be reserved to the respondent any and all rights which it may properly claim under the rule and practice of this Court touching the matter of tender and deposit before plea.

[37]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Libel.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, in and
for the Northern District of California:

Now comes the above-named respondent by its
proctors and excepts to the libel filed in the above
cause on the ground that the same is uncertain, in-
definite and unintelligible in the following particu-
lars:

I.

AS TO THE FIRST CAUSE OF ACTION.

a. In that the particulars of the amounts alleged
to be the just and reasonable value of the materials
furnished to and the labor performed upon the said
steamer "Hilonian," as set forth in the schedules an-
nexed to said libel, are (after making allowance for
the amount said to have been paid on account
thereof) at variance with the sum set forth in the
body of said libel as being the balance due and owing
from said respondent to the libelant therefor.

b. Because the particulars of the sum of

\$30,435.84 sued for under the first cause of action in said libel was referred [38] to and stated so indefinitely and uncertainly that the allegations thereof cannot be answered unto.

c. Because the sum and value of the particulars shown by Schedules 1, 2 and 3 is at variance with the sum of \$30,435.88 sued for and alleged to be due under the first cause of action.

d. In that it does not appear from said libel that respondent promised to pay libelant for materials furnished and labor performed under the first cause of action.

II.

AS TO THE SECOND CAUSE OF ACTION.

a. In that the particulars of the amounts respondent is alleged to have agreed to pay for the alleged work and material done upon and furnished to the said steamer "Hilonian," as set forth in the schedules annexed to said libel, are at variance with the sum set forth in the body of said libel as being due and owing from said respondent to the libelant therefor.

b. Because the particulars of the sum of \$4,301.88 sued for under the second cause of action in said libel are referred to and stated so indefinitely and uncertainly that the allegations thereof cannot be answered unto.

c. In that it appears from the schedules attached to said libel that the materials furnished and labor performed as alleged in said second cause of action were furnished and performed under agreements and contracts, and that said agreements and contracts are not set forth in or attached to said libel.

III.

In that the total amount alleged to be due and owing from the respondent to the libelant under the first and second causes of action is uncertainly stated in that the same is at variance with the sum of the values enumerated in Schedules 1 to 10 inclusive. [39]

WHEREFORE, respondent prays judgment of this Honorable Court whether it shall be compelled to make any further answer to the said libel, and prays to be hence dismissed with costs.

Dated San Francisco, Cal., April 25th, 1910.

MORRISON & BROBECK,
McCLANAHAN & DERBY,
Proctors for Respondent.

Receipt of a copy of the within Exceptions to Libel is hereby admitted this 25th day of April, 1910.

NATHAN H. FRANK,
Proctor for Libelant.

[Endorsed]: Filed, Apr. 25, 1910. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [40]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 6th day of May, in the year of our Lord one thousand nine hundred and ten. Present: The Honorable GEORGE DONWORTH, Judge.

#15,013.

UNITED ENGINEERING WORKS, a Corporation,

vs.

MATSON NAVIGATION COMPANY, a Corporation.

Order Submitting and Overruling Exceptions to Libel.

The exceptions to the libel herein this day came on for hearing, E. B. McClanahan, Esqr., appearing for and Nathan H. Frank, Esqr., appearing against said exceptions. Mr. McClanahan stated to the Court that respondent consented to a *pro forma* ruling on said exceptions. By the Court ordered that said exceptions be, and they are hereby overruled for want of prosecution, and said respondent be, and it is hereby allowed ten days in which to answer the libel herein. [41]

In the District Court of the United States, in and for the Northern District of California.

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Answer of Respondent.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, in and
for the Northern District of California:

FIRST CAUSE OF ACTION.**I.**

Answering the libel of the above-named libelant, this respondent admits the allegations of said libel contained in the first of second paragraphs.

II.

Answering the allegations of the third paragraph, this respondent while admitting that between the months of July and December, 1909, libelant furnished certain materials and performed certain labor towards the altering, equipping and repairing of its said S. S. "Hilonian," denies that Schedules 1, 2 and 3 annexed to said libel truly set forth the particulars or the value of said materials and labor.

III.

Answering to the allegations of the fourth paragraph of said libel, respondent denies the same. [42]

IV.

Answering to the allegations of the fifth paragraph of said libel, respondent denies the same.

V.

Answering to the allegations of the sixth paragraph of said libel, respondent admits the demand and refusal set up in said paragraph, but denies the remaining allegations thereof.

VI.

Answering the allegations of the seventh para-

graph, respondent denies that all and singular the premises are true in the first cause of action, but admits the jurisdiction of the Court.

And as a separate answer to libelant's first cause of action, respondent alleges that during the month of July, 1909, it did furnish to the libelant and others certain specifications of work to be performed and materials to be furnished in the repair of its said S. S. "Hilonian," and requested that bids for said work and materials be furnished it. That in accordance with said request, and on the 2d day of August, 1909, a bid was so furnished for said work and materials by said libelant amounting to the sum of \$11,749.00, and the same being the lowest of the bids then made for performing said work and furnishing said materials was accepted by respondent, and thereby became a binding contract between the parties. Copies of said specifications and libelant's said bid being hereto attached, referred to and made part hereof as Exhibits 1 and 2 respectively. That in pursuance of the contract so formed, said SS. "Hilonian" was turned over to the said libelant and said repair work was commenced on, to wit, the 23d day of August, 1909, and was continued until, to wit, the 25th day of September, 1909. [43] That during the progress of said work it was mutually agreed that certain omissions, modifications and changes in said specifications and the work to be performed under said contract should be made, and the same were made and omitted without an agreement between the parties as to the value of said omissions, changes and modifications.

That certain work and materials were also fur-

nished to said steamer by said libelant during said period of time between August 23d and September 25th, 1909, in addition to the work and materials called for by said contract, and for which no price was agreed upon other than that the same would be compensated for at its just and reasonable value.

That respondent is informed and believes, and upon such information and belief alleges, that the just and reasonable value of the work and materials omitted as aforesaid by agreement of the parties from the original contract as aforesaid is the sum of \$1,398.25, and of the additional work and materials furnished as aforesaid the sum of \$8,280.50.

That after said work and materials had been done on and furnished to said SS. "Hilonian," and during the months of September and October, 1909, said libelant did furnish to said respondent's said steamship certain supplies, work and materials without any agreement as to the price to be paid therefor, which said supplies, work and material were of no greater value than the sum of \$937.07; and respondent is informed and believes and upon such information and belief alleges that said supplies, work and material were of less value than the said sum of \$937.07, and respondent expressly reserves the right of proving, at the trial of this cause, the value of the supplies, work and materials furnished during said months of September and October referred to in the foregoing paragraph. [44]

That the total amount due and owing to the libelant under the first cause of action herein aggregates not more than the sum of \$19,568.32.

SECOND CAUSE OF ACTION.

I.

Answering unto the second cause of action, respondent admits the allegations contained in the first and second paragraphs of said libel.

II.

Answering the allegations contained in the third paragraph respondent, while admitting that between the months of July and December, 1909, libellant furnished materials and performed certain labor towards the altering, equipping and repairing of its said SS. "Hilonian," at its special instance and request, denies that Schedules 4, 5, 6, 7, 8, 9 and 10 annexed to said libel truly set forth the particulars and value of said materials and labor except as said denial may be modified by its further answer herein.

III.

Answering to the fourth paragraph, respondent denies the allegations thereof except as said denial may be modified by its further answer herein.

IV.

Answering unto the fifth paragraph, respondent admits the demand and refusal therein alleged, but denies the remaining allegations of said paragraph.

V.

Answering the allegations of the sixth paragraph, respondent [45] denies that all and singular the premises are true in the second cause of action, but admits the jurisdiction of the Court.

And as a further and separate answer to the second cause of action, this respondent is informed and believes, and upon such information and belief al-

leges that the work and materials alleged to have been done and furnished to its said SS. "Hilonian," in accordance with the particulars of the item of Schedule 4 annexed to said libel, billed at \$146.88, was a part of the work and material agreed to be done and furnished under the original contract between libelant and respondent heretofore referred to in answer to the first cause of action, and that the work alleged to have been done in accordance with the particulars of the first item of said Schedule 4, billed at \$50.00, was not so done as alleged, but that said I. P. piston rod was only turned, and respondent is informed and believes and upon such information and belief alleges that the reasonable value of the turning of said I. P. piston rod was the sum of \$25.00.

That the labor and materials done and furnished to the said SS. "Hilonian," as particularized in the second and third items of Schedule 9 annexed to said libel, billed at \$60.00 and \$180.00, respectively, are improperly charged for the reason that the work and material of the same were covered and included and intended by the agreement of the parties to be covered and included in the first item of said schedule billed at \$900.00, and respondent is informed and believes and upon such information and belief alleges that \$900.00 is the reasonable and just value of all the said work and material covered by the particulars of said Schedule 9. [46]

That with the deduction as herein set forth of \$146.88 and \$25.00 respectively from Schedule 4, and \$60.00 and \$180.00 respectively from Schedule 9, respondent admits that under the second cause of

action there is due and owing to libelant the sum of \$3,890 as shown by said Schedules 4, 5, 6, 7, 8, 9 and 10 annexed to said libel.

And as a separate answer to both causes of action, respondent avers that the sum of \$535.76 has been paid to and credited by said libelant against the amount due and owing to it by said respondent, and that after making due allowance for said credit, there is due and owing to said libelant from said respondent under both causes of action not more than the sum of \$22,922.56.

That owing to the complicated nature of the inquiry, but using due diligence, respondent was unable to ascertain the amount herein admitted as being not more than the sum due and owing said libelant until the 30th day of April, 1910, and that immediately thereafter, to wit, on the 2d day of May, 1910, respondent did tender to the libelant in full settlement of its claim said full sum of \$22,922.56, which libelant refused to accept.

That attached hereto are interrogatories propounded to libelant under the Rule and Practice of this court.

All and singular the premises are true.

WHEREFORE, respondent prays that the Court may be pleased to pronounce against the libel aforesaid, and to [47] condemn the libelant in costs and otherwise right and justice to administer in the premises.

Dated San Francisco, Cal., May 10th, 1910.

MORRISON & BROBECK,
McCLANAHAN & DERBY,
Proctors for Respondent.

United States of America,
Northern District of California,—ss.

H. B. Gregg, being first duly sworn, on oath deposes and says: That he is the Secretary of the Matson Navigation Company, a corporation, respondent herein.

That he has read the foregoing answer of said respondent, knows the contents thereof, and that the matters and things therein set forth are true except as to such as are stated upon information and belief, and as to these he believes them to be true.

That this affidavit is made for and on behalf of respondent and is based in part upon the personal knowledge of affiant and in part upon information received from others.

H. B. GREGG.

Subscribed and sworn to before me this 13th day of May, A. D. 1910.

[Seal]

M. V. COLLINS,

Notary Public in and for the City and County of San Francisco, State of California. [48]

EXHIBIT 1.

SPECIFICATIONS FOR REPAIRS TO S. S.

“HILONIAN.”

1. Joints between air pump body and condenser, air pump body and valve chest, to be remade, first removing said air pump and testing joint faces and filing same to a true surface, before rejoining. Renew all studs, bolts and washers in connection with these joints.

Enlarge studs on air pump, joint to condenser.

2. Remove L. P. valve and face. Plane seats of both, replace seat and supply new fillister head bolts (best Tobin bronze)—(about 80 in number). Counter bore present bolt recesses and scrape valve to seat, after seat is bolted hard up. Use red lead paint in jointing seat to cylinder. (No putty.)
3. Remove present jacking worm wheel from main shaft. Make one new $\frac{1}{2}$ section, bolt sections together, bore same and key-seat, fitting all to the shaft, same as at present.
4. Make tight H. P. and L. P. guides for water circulation. They are arranged with steel plates at back secured by flush head screws. Place additional screws between present ones,—this will require removal of guides to shop. Test guides in presence of owners representative with about 30 pounds water pressure. If plates show tendency to spring, place about 8 or 10 screwed stays in each. Reconstruct H. P. and I. P. shoes, as directed.
5. Remetal H. P. and L. P. eccentric straps (4 in all) with best grade challenge metal. Bore and fit same to sheaves and lead all eccentric rods to satisfaction of owners representative. Bearing of each strap to be passed upon, before final bolting up.
6. H. P. cylinder bored out and ends counter-bored, if found necessary. Set bar to pre-

sent counter bores and check to guide before starting out. Make end fit new bull ring and piston rings.

7. A suitable wrought iron column with flanged feet, will be properly secured to under side of H. P. cylinder (port side) and carried down to #1 housing, being secured to same by body bound bolts where possible and tap bolts where fitted bolts cannot be placed. Column will be at least 6" in dia., no less.
8. Ream bolt holes in #2 coupling and fit new bolts (best Norway iron) after shafts are properly lined up.
9. Strip crank shafts and all reciprocating gear. Remove crank-shaft from ship, by cutting bulkhead abaft engine. Test shaft in lathe to representative's satisfaction and true up all main bearings in lathe. File housings where worn and bed to same, new shells (these will be supplied by ship). After shells are properly bedded they are to be bored out in place in perfect alignment. Test lines must be run through cylinders to check the bar, before boring each bearing (the size of each bearing [49] to be taken from shaft). After boring is finished shaft will be scraped and bedded to a perfect bearing and all liners and parting pieces fitted and secured in place. A Lloyds steel shaft gauge must be supplied and marked for each bearing (a sketch will be provided if requested). The gauges will touch shaft at

three points showing either vertical or side drift of shaft. The line shafting will be turned up to crank shaft and tail shaft and all spring bearings raised to their proper place. (Should spring bearings require re-metaling a separate price will be allowed for each.) The ship will be docked and stern bearing rewooded while tail shaft is drawn. Alignment of line shaft to be done after crank and tail jobs are finished. Thrust shaft to be removed from ship and bolted to crank shaft while latter is in lathe and collar on thrust shaft to be trued up. Thrust ring to be refitted after shafting is lined up. New wheel to be fitted to the satisfaction of owners representative.

10. Blow off cocks on skin of ship (two in number) removed and new cocks supplied and jointed to ship's side. All sea cocks and valves to be ground in while on dock and strainers removed, cleaned and painted. New valve stem and nuts supplied and fitted to main injection.
11. The valve chamber of circulating pump to be removed and a plate to take old studs fitted. This plate to have a suitable opening (10" dia.) to receive the discharge from new circulator and a support to meet the top of circulator pump body to which it must be properly fitted and secured.
12. Engine room tank tops cleaned of grease, scaled down to metal and covered with $\frac{3}{8}$ "

coat of bitumastic over bitumastic solution. Bitumastic cement to be covered with 2" of concrete ($1\frac{1}{2}$ best Portland cement and $\frac{1}{2}$ sharp sand).

13. The bulkheads of fore and after peak tanks to be carefully tested, all loose or leaky rivets removed, seams caulked and new rivets driven and tanks made tight. Tanks to receive two coats of cement wash and be properly cleaned out after final test for tightness.
14. Windlass to be repaired, foc'sle head deck raised and stanchions put under as directed.
15. Ship to be docked, cleaned and painted, paint to be furnished by owners. [50]

EXHIBIT 2.

San Francisco, Cal., August 2, 1909.

Matson Navigation Co.,

Gentlemen,—

Sub. Repairs "Hilonian."

We hereby respectfully submit a figure of Eleven Thousand Seven Hundred Forty-nine (\$11,749.00) Dollars on the repairs to the above steamer, all to be in strict accordance with the specifications and further we guarantee to finish the work therein specified in Twenty-five (25) Calendar days from the date of delivery of vessel at our yard.

Respectfully submitted,

UNITED ENGINEERING WORKS,

Per H. P. GRAY, Sect. [51]

*In the District Court of the United States, in and
for the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,
Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

**Interrogatories Propounded to Libelant by
Respondent.**

INTERROGATORY 1.

Is not Exhibit 1 attached to this answer a true copy of the specifications referred to by the respondent in its answer to the first cause of action set forth in the libel? If not please state wherein Exhibit 1 differs from these specifications referred to in said answer upon which libelant submitted to the respondent its bid for \$11,749.00.

INTERROGATORY 2.

Is not Exhibit 2 a true copy of the bid referred to in respondent's answer to the first cause of action as set forth in the libel? If not, please state wherein said Exhibit 2 differs from the original of said bid referred to.

MORRISON and BROBECK,
McCLANAHAN & DERBY,

Proctors for Respondent.

Receipt of a copy of the within Answer of Re-

spondent is hereby admitted this 16th day of May, 1910.

NATHAN H. FRANK,
IRVING H. FRANK,
Proctors for Libelant.

[Endorsed]: Filed May 16, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [52]

*In the District Court of the United States, in and
for the Northern District of California.*

IN ADMIRALTY.

UNITED ENGINEERING WORKS, a Corporation,
Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Answer.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, in and
for the Northern District of California.

Libelant excepts to the answer on file in the
above-entitled cause as follows:

I.

Excepts to Article II of said Answer in this, that
it is uncertain and not full and specified as in law
required, in that in said article said respondent "de-
nies that Schedules 1, 2 and 3 annexed to said libel
truly set forth the particulars of the value of said
materials and labor" without stating what particu-
lars are not truly set forth in said schedules, or

wherein any of said particulars fail to truly set forth the value of said materials and labor.

II.

Excepts to the allegations on pages 2 and 3 of said Answer respecting the alleged specifications and bid for work to be performed and materials to be furnished which said specifications and [53] bid are therein referred to as Exhibits 1 and 2 and also to the said Exhibits 1 and 2 and to the interrogatories to said Answer attached, upon the ground that each and all of said allegations, exhibits and interrogatories are immaterial and constitute no defense to said libel.

III.

Excepts to the following allegation of said libel upon the ground that it is uncertain and not full and specific, as in law required, in this, that it fails to state what the said "certain supplies, work and materials" therein referred to are, or to give any schedule thereof or of the values thereof, to wit: "That after said work and materials had been done on and furnished to said SS. 'Hilonian,' and during the months of September and October, 1909, said libelant did furnish to said respondent's said steamship certain supplies, work and materials without any agreement as to the price to be paid therefor, which said supplies, work and material were of no greater value than the sum of \$937.07; and respondent is informed and believes and upon such information and belief alleges that said supplies, work and material were of less value than the said sum of \$937.07, and respondent expressly reserves the right

of proving, at the trial of this cause, the value of the supplies, work and materials furnished during said months of September and October referred to in the foregoing paragraph.”

WHEREFORE, said libelant prays that said immaterial matter be stricken from said answer, and that said respondent be ordered to furnish further particulars with respect to said matters in said exceptions referred to.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libelant. [54]

Receipt of a copy of the within Exceptions to Answer is hereby admitted this 23d day of May, 1910.

McCLANAHAN & DERBY,

Proctors for Respondent.

MEMORANDUM: This was left in the office of McClanahan & Derby on May 21st, 1910.

NATHAN H. FRANK.

[Endorsed]: Filed May 23, 1910. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [55]

[Minute Order Denying Motion to Strike Exceptions to Answer, Allowing First Exceptions in Part and Overruling Remaining Exceptions, etc.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Saturday,

the 28th day of May, in the year of our Lord one thousand nine hundred and ten. Present: The Honorable GEORGE DONWORTH, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The motion to strike exceptions to answer herein from the files and the hearing of said exceptions this day came on for hearing, S. H. Derby, Esqr., appearing for motion to strike out and in opposition to said exceptions, and Nathan H. Frank, Esq., appearing against said motion to strike out and for said exceptions. After hearing argument, by the Court ordered that said motion to strike exceptions from the files be, and the same is hereby denied. Further ordered that the first exceptions be, and the same are hereby allowed in part and as to the remaining exceptions the same be overruled, the Court announcing that it would prepare and file its order as to the allowing and overruling of said exceptions. Further ordered that respondent be, and it is hereby allowed twenty days in which to amend its answer herein.

[56]

[Chamber Order Denying Motion to Strike Exceptions to Answer, Allowing First Exceptions in Part and Overruling Remaining Exceptions, etc.]

*In the District Court of the United States, for the
Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,

Libelant,

VS.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Libelant having heretofore excepted to certain parts of the answer herein, and respondent having moved to strike said exceptions from the files, and said motion and the said exceptions having been duly argued before the Court and submitted,

IT IS NOW ORDERED,

1. That said motion to strike said exceptions from the files is hereby denied.

2. That said exceptions are adjudged valid in part only, namely, as to Article (or paragraph) II on the first page of said answer, which said article or paragraph is hereby found to be insufficient and indistinct, and said respondent is hereby ordered, within 20 days from the entry of this order, to amend said article or paragraph so that the same will state definitely which of the items of material and labor (mentioned in the third paragraph of libelant's al-

leged first cause of action and in the schedules therein referred to and annexed to the libel herein) respondent admits the libelant furnished or performed for the steamer "Hilonian," and which of said items respondent denies the libelant furnished or performed for said steamer, but respondent may, where it has no knowledge as to the particulars set forth in said schedules, so state, without the necessity of either a denial or admission. [57]

It is not intended hereby to require respondent to make its answer any more definite than heretofore, so far as concerns the value or alleged value of any of said items.

3. Except as heretofore ordered, the exceptions to the answer are disallowed.

Dated San Francisco, Calif., May 28th, 1910.

GEORGE DONWORTH,
Judge.

[Endorsed]: Filed May 31, 1910. Jas. P. Brown,
Clerk. By Francis Krull, Deputy Clerk. [58]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Amendment to Answer.

Now comes the respondent herein pursuant to order of Court, made on the exceptions of libelant to respondent's answer heretofore filed, dated May 28th, 1910, and amends its said answer as follows:

By striking out the words and figures of paragraph II of said answer and in lieu thereof inserting the following:

II.

Answering the allegations of the third paragraph, in so far as the Schedules 1, 2 and 3 referred to therein particularize materials furnished and labor performed on the said SS. "Hilonian," and the value thereof, this respondent is without knowledge, information or belief sufficient to make answer thereto, and on that ground calls for proof of same. As to the particulars set forth in said schedules other than the enumeration of materials and labor and value, this respondent admits that between the months of July and December, 1909, the following was done by the libelant towards the altering, equipping and repairing of said SS. "Hilonian": [59]

Renewed part of #4 tank tops on port side. Cut 3 holes in bottom of ship to facilitate the cleaning of #4 tank. Patches riveted over holes. 2-21½" sounding pipes supplied and fitted in #3 and #4 tanks. Secured angle iron bars in shaft alley for new flooring support. Supplied and fitted 4 new sheet iron guards for shaft couplings in shaft alley. Renewed floor plates and supports at back of engine partly. Raised floor plates over shaft and new angle

bars supports fitted. Refitted and repaired hand rails around L. P. valve motion on I. P. and H. P. engines. Repaired 2 sets iron guards for H. P. and L. P. crank pits. Patched bulkhead on port side of L. P. valve motion and division plate in filter tank. Reflanged H. P. Ecc. slush pan drain holes cut in same and plug fitted. Supplied and fitted sheet iron cover for turning engine. Supplied and fitted new Galv. iron casing for turning gear. Supplied and fitted new galv. iron slush pan for L. P. Ecc. Brackets for oil container made and fitted to bulkhead. Container and tray fitted with lugs and secured to brackets. Lagging cut away between boilers in engine room. Scaled and cleaned combustion chambers sides and backs and tube sheets of boilers. Supplied and fitted 2-3/4" new style try cocks. Lagging on main boilers repaired and partially renewed. Made and fitted one main stop valve stem and 2 W. iron handles. Made 2 main and 2 donkey check valve discs and one seat. Made and fitted 2 valve discs, seat, yoke, stem and nut for Aux. steam line over boilers. Supplied and fitted strap hangers on feed lines. Drilled and tapped 2 holes in donkey boiler shell for low water cocks. Overhauled and re-installed damper in main stack and new handle fitted to same. Supplied and fitted one extra stanchion support under lower flange on after end of stack. Made 2 letters M. of galv. iron and secured same to [60] main stack. Smokestack guys, shackles, etc., overhauled and repaired. Made and fitted one ladder from main to 'tween deck. Made and fitted one ladder from 'tween deck to lower hold.

Forged one clamp for broken stanchion on rail and fitted same. Riveted and bolted stanchions as directed. Removed one stanchion, new foot welded to same and re-riveted. Forged and fitted 10 eye-bolts in hatch coamings. Supplied bolts, nuts, washers and plates for hatch coamings. Supplied and secured plates around stern frame and line plates around stern tube boss. Bored out rudder head block. Made and fitted new brass liner for same. Made and fitted steel collar to same. Bored out gudgeons on rudder post, made and fitted new brass bushing to gudgeons and bushings bored to fit pintles. New pintles with brass liners made and fitted. Made and fitted new locking pintle with nut and button. Trued up keyway in new propeller hub. Made one propeller blade wrench. Overhauled steering gear eng. rods and couplings. Gears refitted with taper pins and oiling devices attached. Made and fitted one brass strainer for main Injection with new bolts. Made and fitted 3 W. Iron plate strainers for aux. suction. All sea suction valves drilled and tapped, nipples and valves inserted and connected to stm. line. Chipped one inch off each propeller blade and trimmed same up. Altered and repaired pipes to engine room tank manifolds, made and fitted strap supports for same. Made and fitted new 4" vapor line with flanges from evaporator to main condenser, new hangers fitted. Run 2½" gal. suction line from bottom blow to fire pump. Holes cut in one frame and floor plate to run this line. Copper pipes connected using new joints, bolts, etc. Renewed fittings on whistle line above umbrella. Size

of hole in lagging around H. P. relief valve increased. Altered and repaired lagging on L. P. receiver. [61] Removed forward bilge pump body studs renewed and studs replaced. Made and fitted one C. iron bonnet for forward line pump. Bored out air pump links made and fitted new parting pieces planed off brasses, made new locking collars, shortened binder bolts, trued up pins and refitted. Face off flange of air pump floating top, made and fitted holding lugs for pump barrel, made and fitted new bronze tap bolts for same. Made and fitted brass bushing for pump cover. Removed circulating pump barrel to shop and faced off. Made and fitted new cast iron gland for old circ. pump plunger. Made 2 brass links and one cross head for sanitary pump. Thrust shaft couplings faced off. Bearing trued up and shaft turned down at each end of thrust collars. Chipped and filed ribs at each end of thrust box, drilled holes in same and studs fitted. Made and fitted 2 brass stuffing boxes complete to thrust box. Portion of shaft alley bulkhead cut out, removed one length of intermediate shaft to shop, forward coupling faced and bearing trued up. All other int. shaft bearings trued up in place. Coupling bolt holes in Int. shafting reamed out. 9 bolts renewed and fitted. Water service for thrust reconstructed. I. P. Crpin brasses re-metaled, bore out and re-bedded. Horse-shoes planed off on sides. Planed off main journal binders on sides and bottom, hand holes enlarged and holes plugged. Made and fitted 12 Norw. iron holding down bolts for spring bearing and thrust box. H. P. and I. P. valves removed for examination,

cleaned, oiled and replaced. Crosshead yokes of H. P. and L. P. valves removed to shop. Brasses bored and planed and yokes filed off. New Gibs made and fitted to brasses, all parts refitted and valves reset. L. P. Piston and follower faced off on ring packing bearing faces. Lengthened spare L. P. valve stem. Made new nut for valve. Removed lower head off I. P. valve [62] chest to shop and drilled for $1\frac{1}{2}$ drain plug. Holes drilled in ribs of cover. Made and fitted $1\frac{1}{2}$ brs. drain plug to I. P. valve chest cover. Made and fitted 4 brass parting pieces for L. P. eccentric straps. Made and fitted iron distance pieces for H. P. Ecc. rods. Made and fitted brs. neck bushing in L. P. valve chest. Guide brasses of L. P. valve stem bored out and refitted. Renewed and fitted L. P. cut off screw to block, block supplied with locking nut and washer. Made wrench for locking nut of same. Planed off parting pieces of I. P. crosshead and made new shims for same. Repaired and refitted crosshead oil cups, 6 holes drilled in crosshead binders. Made and fitted Ecc. strap and sheave for turning engine and renewed all bolts, nuts and washers for same. Supplied new dowels and set screws for main journal and crankpin locking collars. Overhauled all throttle, reversing, passover and drain rods, supplied new pins and refitted same. Connected up all cylinder drains using new jointings, bolts, nuts and washers. Supplied and fitted $1\frac{1}{2}$ brs. nipple and Lunkenheimer globe valve to drain on main steam line. Made and fitted new brass water service to guides with galv. drains and reconnected all water service lines in engine room and shaft alley.

Made one new crankpin wrench. Repaired old cross-head wrench as directed. Renewed aft beam center housing and refitted brasses in both housings. Chipped forward patch on #3 housing. Tested all bolts and rivets in patches on #3 housing, made and fitted 2 new bolts and nuts in same. Made and fitted stm. gauge boards in engine and fire rooms, connected up gauges. Tested 3 steam gauges, supplied 2 stm. and 1 Ammonia gauges. Made and fitted new bonnet compl. for main injection valve. Engine room tank manifolds removed to shop and bored out. Made and fitted new brs. valve seats and discs for same. Supplied one oil cup for [63] Howden draft fan engine. Supplied one Challenge metal ring casting. Made and fitted straps for hanging spare horse-shoe and 2 adjusting nut wrenches. Made 4-11¼ bolts, nuts and washers for holding down brasses in place. Made 2 swivel eye bolt strong backs for handling main bearing crown brasses. Drilled holes and made eye bolts and fitted under cylinder for handling. Removed patch between cylinders, chipped and faced joints, renewed patch and replaced lagging. Filed up beam centers and drag link pins. Put new asbestos tape under all syl. heads and L. P. valves chest cover. Overhauled revolution counter and all rods and levers of same. Joints between air pump body and condenser, joints between air pump body and valve chest were re-made, the pump was removed and joints faces were tested and all filed to a true surface before rejoining all, bolts and washers of these joints were renewed, enlarged studs on air pump, corrugated gasket placed in joints. Made a 12" balance

cylinder completed with piston, bull ring, rings etc., and fitted over L. P. valve. Chipped and faced L. P. valve on top, made and fitted a square washer and a locking nut on the valve. Lengthened the valve stem and finished in lathe, installed the above complete in vessel with the necessary pipe connections, etc. Removed the high pressure and low pressure shoes, cast and finished new ones which were lined with challenge metal. Made and fitted new plates to guides. Removed the L. P. straps and bored same out to suit eccentric sheaves, the top halves were pocketed and babbitted and refitted same aboard ship. Turned up sheaves were turned up and 2 new bolts and nuts were made and fitted. Bored out the high pressure cylinder and counterboard, cast, finished and fitted new bull rings. Cast, finished and fitted a manganese bronze patch of average 1" section to #1 housing. Bolt holes in #2 coupling [64] were reamed out and new bolts fitted of Norway Iron. Bearings of the crankshaft were filed up and oil stoned by hand. Removed the blow off cocks on skin of ship, and supplied new cocks and installed same. All sea valves re-ground and all strainers were removed and cleaned while in dock. Made new valve stem and nut and fitted same to main injection valve. Removed valve chamber of circulating pump and fitted plate under same to take old studs fitted. Made 12 stake wedges, 6 scaling bars, 2 brine cocks and 2 wrought iron wrenches to fit brine cocks. Supplied 2 comp. grease cups. Supplied 1 piece of iron $\frac{7}{8} \times 4 \times 6$. Forged and finished one key. Retempered 2 safety valve springs. One bronze valve stem turned up.

Made one steel forging for valve bonnet and fitted same to bonnet. Fitted 2 coupling bolts and chased the threads in nuts for same. Made 1 L. P. follower. Made one set H. P. piston rings.

As to the other particulars of alterations, equipment and repairs referred to in said schedules, not hereinabove admitted to have been done, respondent is without knowledge, information or belief sufficient to make answer thereto, and on that ground calls for proof of same.

Dated June 17th, 1910.

McCLANAHAN & DERBY,
Proctors for Respondent. [65]

United States of America,
Northern District of California,—ss.

H. B. Gregg, being first duly sworn, on oath deposes and says: That he is the Secretary of the Matson Navigation Co., a corporation, respondent herein.

That he has read the foregoing amendment to the answer of respondent heretofore filed herein, knows the contents thereof, and that the matters and things therein set forth are true except as to such as are stated upon information and belief, and as to these he believes them to be true.

That this affidavit is made for and on behalf of respondent, and is based in part upon the personal knowledge of affiant and in part upon the information received from others.

HARRY B. GREGG.

Subscribed and sworn to before me this 17th day of June, 1910.

[Seal]

CHARLES EDELMAN,
Notary Public in and for the City and County of
San Francisco, State of California.

My Commission expires April 9, 1914.

Receipt of a copy of the within Amendment to Answer is hereby admitted this 17th day of June, 1910.

NATHAN H. FRANK,
IRVING H. FRANK,
Proctors for Libellant.

[Endorsed]: Filed Jun. 17, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [66]

*In the District Court of the United States, in and
for the Northern District of California.*

IN ADMIRALTY—No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libellant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Amended Answer.

To the Honorable JOHN J. DE HAVEN, Judge
of the District Court of the United States, for
the Northern District of California.

United Engineering Works, libellant, hereby ex-
cepts to the answer, as amended, of Matson Naviga-

tion Co., a corporation, respondent, and particularly unto the amendment to said answer filed on the 17th day of June, 1910, upon the ground that said amendment is not a compliance with the order of the Court heretofore made on the 20th day of May, 1910, and that the same does not answer fully, or specifically, or distinctly to the matters in said third paragraph of the libel alleged, nor in the manner required by said order, but that the said amendment is an evasion of said order of this Court.

WHEREFORE, said libelant prays that said respondent be ordered to furnish further particulars with respect to said matters as in said order provided, and for such other and further relief in the premises as said libelant may be justly entitled to.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libelant. [67]

Receipt of a copy of the within Exceptions to Amended Answer is hereby admitted this 21st day of June, 1910.

McCLANAHAN & DERBY,

Attorneys for Respondent.

[Endorsed]: Filed Jun. 21, 1910. Jas. P. Brown,
Clerk. M. T. Scott, Deputy Clerk. [68]

*In the District Court of the United States, in and
for the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Interrogatories Propounded to Respondent.

INTERROGATORIES PROPOUNDED TO
MATSON NAVIGATION CO., RESPOND-
ENT, IN THE ABOVE-ENTITLED
CAUSE.

FIRST INTERROGATORY:

Did you not have a superintendent and time-keeper on board the said steamship "Hilonian" during the progress of the work referred to in the libel, and if so, give his name.

SECOND INTERROGATORY:

Did you not have two engineers on board the said steamship "Hilonian" during the progress of the work referred to in said libel, who were directing and superintending the work then being performed on said vessel by said libelant, and if so, give the names of said engineers.

THIRD INTERROGATORY:

Did you not have two men on board said steamship "Hilonian" during the progress of said work

referred to in said libel, who were overseeing the said work and checking it up?

FOURTH INTERROGATORY:

Have you not in your possession a time book, or a copy of the time-book, kept by your said time-keeper on board said steamship "Hilonian" during the progress of the work referred to in said libel? If so, append a copy of said time-book kept by said time-keeper to your answers to these interrogatories. [69]

FIFTH INTERROGATORY:

Did not the said libelant previous to January 14th, 1910, deliver to you a copy of the exhibits attached to said libel and numbered 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10?

SIXTH INTERROGATORY:

Did you not submit the said exhibits referred to in the fifth interrogatory, or cause said exhibits to be submitted to your time-keeper E. L. Putzar for his examination and approval before action was brought in this cause, and did not the said Putzar then and there go over the said exhibits and approve the same as correct?

SEVENTH INTERROGATORY:

Did you not submit Exhibits 1, 2 and 3, attached to said libel, or cause said exhibits to be submitted to your said time-keeper Putzar for his examination and approval, and did he not then examine the same and approve the said exhibits as correct?

EIGHTH INTERROGATORY:

Did you not submit the said exhibits referred to

in the fifth interrogatory, or cause said exhibits to be submitted to your other engineer employed on board said steamer "Hilonian" during the time of said repairs for his examination and approval before action was brought in this case, and did not the said other engineer then and there go over the said exhibits and approve the same as correct?

NINTH INTERROGATORY:

Did you not submit Exhibits 1, 2 and 3, attached to said libel, to your other engineer for his examination and approval, and did said other engineer not then examine the same and approve the said exhibits as correct?

TENTH INTERROGATORY:

If you shall say that such exhibits were not submitted to said engineers, or either of them, did you not receive a report from one or both of said engineers regarding the correctness of said charges, and if so, append a copy of said reports to your answers to these interrogatories.

ELEVENTH INTERROGATORY:

Referring to the allegations of said answer on page 3, lines 1 to 6, inclusive, which said allegations are as follows: "That during the progress of said work it was mutually agreed that certain omissions, modifications and changes in said specifications and the work to be performed under said contract should be made, and the same were made and omitted without an agreement between the parties as to the value of said omissions, changes and modifications," name in detail those certain omissions, modifications [70]

and changes in said specifications so made as in said article alleged.

TWELFTH INTERROGATORY:

Referring to the allegations of your said answer on page 3, lines 7 to 12, inclusive, which said allegations are as follows: "That certain work and materials were also furnished to said steamer by said libelant during said period of time between August 23d to September 25th, 1909, in addition to the work and materials called for by said contract, and for which no price was agreed upon other than that the same would be compensated for at its just and reasonable value," state in detail what that certain work was and what those certain materials were that were so furnished to said steamer by said libelant as in said allegations alleged.

THIRTEENTH INTERROGATORY:

Referring to the allegations in your said answer on page 3, lines 13 to 18, inclusive, which said allegation is as follows: "That respondent is informed and believes and upon such information and belief alleges that the just and reasonable value of the work and materials omitted as aforesaid by agreement of the parties from the original contract as aforesaid is the sum of \$1,398.25, and of the additional work and materials furnished as aforesaid the sum of \$8,280.50," give the itemized details which make the said sum of \$1,398.25, and give the itemized details which make the said sum of \$8,280.50.

FOURTEENTH INTERROGATORY:

Referring to the allegations of your said answer

on page 3, lines 19 to 31, inclusive, which said allegations are as follows: "That after said work and materials had been done on and furnished to said steamship 'Hilonian' and during the months of September and October, 1909, said libelant did furnish to said respondent's said steamship certain supplies, work and materials without any agreement as to the price to be paid therefor, which said supplies work and material were of no greater value than the sum of \$937.07, and respondent is informed and believes, and upon such information and belief alleges that said supplies, work and material were of less value than the said sum of \$937.07, and respondent expressly reserves the right of proving at the trial of this cause the value of the supplies, work and materials furnished during said months of September and October referred to in the foregoing paragraph," give the items of the supplies, work and materials in said allegation referred to, together with the value which you are informed and believe was the true value of each of said items of supplies, work and materials therein referred to.

FIFTEENTH INTERROGATORY:

Referring to the allegation on page 4, lines 1 to 3, of your said answer, which said allegation is as follows: "That the total amount due and owing to the libelant under the first cause of action herein aggregates not more than the sum of \$19,568.32," give the items together with the values which together aggregate the said sum of \$19,568.32 and upon which said allegation is based. [71]

SIXTEENTH INTERROGATORY:

Referring to the allegation of your answer on page 6, lines 8 to 14, inclusive, which said allegation is as follows: "And as a separate answer to both causes of action, respondent avers that the sum of \$535.76 has been paid to and credited by said libelant against the amount due and owing to it by said respondent, and that after making due allowance for said credit, there is due and owing to said libelant from said respondent under both causes of action not more than the sum of \$22,922.56," and also referring to the further allegation on page 6 of said answer, lines 19 to 22, that "On the 2d day of May, 1910, respondent did tender to the libelant in full settlement of its claim said full sum of \$22,922.56 which libelant refused to accept," give the items and their value which constitute said credit of \$537.76, and give the items, together with their value, which made up said amount of said alleged tender, to wit, the said sum of \$22,922.56.

NATHAN H. FRANK,
IRVING H. FRANK,
Proctors for Libelant.

Receipt of a copy of the within Interrogatories is hereby admitted this 21st day of June, 1910.

McCLANAHAN & DERBY,
Attorneys for Respondent.

[Endorsed]: Filed Jun. 21, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [72]

*In the District Court of the United States, in and
for the Northern District of California.*

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libellant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Libellant's Interrogatories.

To the Honorable JOHN J. DE HAVEN, Judge
of the District Court of the United States, in
and for the Northern District of California:

Comes now the Matson Navigation Company, re-
spondent herein, and hereby objects and excepts to
the interrogatories propounded by the libellant
herein served on respondent on June 21st, 1910, upon
the ground that the said interrogatories are not al-
lowable under the provisions of the twenty-third
admiralty rule of the Supreme Court of the United
States.

WHEREFORE, respondent prays that it be not
required to answer said interrogatories and that
the same may be stricken from the files.

Dated: June 22, 1910.

MORRISON & BROBECK,

Per S. H. D.

McCLANAHAN & DERBY,

Proctors for Respondent.

Receipt of a copy of the within exceptions is hereby admitted this 22d day of June, 1910.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libelant.

[Endorsed]: Filed Jun. 22, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [73]

**[Order of Submission of Exceptions to Amended
Answer and Exceptions to Libelant's Interrog-
atories.]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Tuesday, the 6th day of September, in the year of our Lord one thousand nine hundred and ten. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The exceptions to the amended answer herein and the exceptions to libelant's interrogatories, this day came on for hearing, Nathan H. Frank, Esqr., appearing as proctor for libelant and E. B. McClanahan, Esqr., appearing as proctor for respondent, and after hearing argument, by the Court ordered that

said exceptions be, and the same are hereby submitted to the Court for decision. [74]

**[Order Restoring Exceptions to Amended Answer
and Exceptions to Libellant's Interrogatories to
Calendar.]**

*In the District Court of the United States, Northern
District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,
vs.

MATSON NAVIGATION COMPANY, a Corpora-
tion.

ORDERED that the submission of the exceptions to amended answer and exceptions to libellant's interrogatories, be, and the same is hereby set aside and said exceptions be restored to the calendar for hearing November 14, 1910, to be set.

Dated November 7, 1910.

JOHN J. DE HAVEN,
Judge.

[Endorsed]: Filed Nov. 7, 1910. Jas. P. Brown,
Clerk. By Francis Krull, Deputy Clerk. [75]

[Order Resubmitting Exceptions to Amended Answer and Exceptions to Libelant's Interrogatories.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Monday, the 5th day of December, in the year of our Lord one thousand nine hundred and ten.
Present: The Honorable R. S. BEAN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The exceptions to the amended answer herein and the exceptions to libelant's interrogatories, this day came on for hearing, N. A. Frank, Esqr., appearing for libelant and E. B. McClanahan, Esqr., appearing for respondent. After hearing argument by the Court ordered that said exceptions be, and they are hereby submitted to the Court for decision. [76]

[Order Overruling Exceptions to Amended Answer and Exceptions to Libelant's Interrogatories.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Monday, the 19th day of December, in the year of our

Lord one thousand nine hundred and ten.

Present: The Honorable R. S. BEAN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The exceptions to the amended answer herein, having been heretofore submitted to the Court for decision, now, after due consideration had thereon, by the Court ordered that said exceptions be, and the same are hereby overruled, on the ground that the amended answer is a substantial compliance with the order of Judge Donworth made herein on sustaining exceptions to the answer herein.

The exceptions to libelant's interrogatories herein, having been heretofore submitted to the Court for decision, now, after due consideration had thereon, by the Court ordered that said exceptions be, and the same are hereby overruled. [77]

[Order Allowing Libelant Until March 10, 1911, to File Points and Authorities in Reply to Petition for Rehearing of Exceptions to Libel, etc.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Thursday, the 2d day of March, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

By the Court ordered that libelant herein have until and including March 10, 1911, within which to file points and authorities in reply to respondent's petition for a rehearing of exceptions to libel, and thereupon said petition for rehearing stand submitted. [78]

[Order Directing Filing of Order on Petition for Rehearing of Exceptions to Interrogatories, and Granting Said Petition.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 3d day of May, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The petition for rehearing of exceptions to interrogatories propounded by libelant herein, having been heretofore submitted to the Court for decision,

now by the Court ordered that the order of the Honorable R. S. Bean, United States District Judge, to whom this petition was submitted, be filed, and in accordance with said order the said petition for a rehearing be, and the same is hereby granted. [79]

[Order Allowing Petition for Rehearing of Exceptions to Interrogatories, Vacating Order Overruling Exceptions, etc.]

In the District Court of the United States for the Northern District of California.

No. 15,013.

UNITED STATES ENGINEERING WORKS, a
Corporation,

Libelant,

vs.

MATSON NAVIGATION COMPANY, a Corpora-
tion,

Respondent.

**Memorandum Opinion Granting Petition for
Rehearing of Exceptions.**

A petition for rehearing on the order heretofore made overruling respondent's exceptions to interrogatories of the libelant propounded herein having been filed, and the Court, having examined such petition and the written arguments of counsel, is of the opinion that since the question presented requires a construction of the Admiralty rules of the Court and involves an important question of prac-

tice, the matter should be reheard.

IT IS THEREFORE ORDERED that the petition for rehearing be and the same is hereby allowed; that the order heretofore entered overruling the exceptions be, and the same is hereby vacated and set aside, and that the matter stand for hearing the same as if no previous order had been made in the premises.

R. S. BEAN,
Judge.

Dated this 1 day of May, 1911.

[Endorsed]: Filed May 3, 1911. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [80]

[Order of Submission of Exceptions to Libelant's Interrogatories on Rehearing.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 2d day of June, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

Counsel for the respective parties being present, by the Court ordered that the exceptions to libelant's interrogatories herein be, and the same are hereby submitted to the Court for decision upon the briefs on file, and that libelant be, and is hereby allowed five days in which to file a further brief if so advised. [81]

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 14th day of June, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

Order Sustaining Exceptions to Interrogatories.

The exceptions to libelant's interrogatories herein, having been heretofore submitted to the Court for decision, now, after due consideration had thereon, the Court files its written memorandum opinion, and by the Court ordered that said exceptions be, and the same are hereby sustained. [82]

*In the District Court of the United States, Northern
District of California.*

UNITED ENGINEERING WORKS,

Libellant,

vs.

MATSON NAVIGATION COMPANY,

Respondent.

**Opinion Sustaining Respondent's Exceptions to
Libellant's Interrogatories.**

DE HAVEN, District Judge.

In my opinion, under rule 23, Admiralty rules of practice of the Supreme Court of the United States, the respondent's exceptions to libellant's interrogatories must be sustained, and it is so ordered.

[Endorsed]: Filed Jun. 14, 1911. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [83]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 21st day of June, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

**Order Referring Cause to Jas. P. Brown, U. S.
Commissioner to Take Evidence.**

N. A. Frank, Esqr., proctor for libelant and Messrs. McClanahan & Derby, proctors for respondent, being present in open court and consenting thereto, by the Court ordered that this cause be, and the same is hereby referred to Jas. P. Brown, United States Commissioner, to take the evidence of the respective parties and to report the same to the Court. Libelant to have to and including August 15, 1911, in which to put in its evidence, and respondent to have to and including August 25, 1911, to close its evidence, and libelant to have until September 1, 1911, to put in its evidence in rebuttal. [84]

[Minutes—September 16, 1912—Hearing.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Monday, the 16th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

This cause this day came on for hearing, Nathan H. Frank, Esq., appearing for libelant and E. B. Mc-

Clanahan, Esq., appearing for respondent. Mr. Frank then argued the cause to the Court and pending argument by the Court ordered that the further hearing of this cause be continued until to-morrow at 10 o'clock A. M. [85]

**[Minutes—September 17, 1912—Hearing
(Resumed).]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Tuesday, the 17th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The further hearing of this cause was this day resumed, E. B. McClanahan, Esq., arguing the cause for respondent, and pending said argument the further hearing was continued until to-morrow at 10 o'clock A. M. [86]

**[Minutes—September 18, 1912—Hearing
(Resumed).]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 18th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The hearing of this cause was this day resumed. Argued by E. B. McClanahan, Esq., for respondent, and Nathan H. Frank, Esq., for libelant, and pending argument by the Court ordered that the further hearing be continued until to-morrow at 10 o'clock A. M. [87]

**[Minutes—September 19, 1912—Hearing
(Resumed).]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Thursday, the 19th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The further hearing of this cause was this day resumed. Nathan H. Frank, Esq., continued his argument for libelant, and pending said argument by the Court ordered that the further hearing of this cause be and the same is hereby continued until to-morrow at 10 o'clock A. M. [88]

**[Minutes—September 20, 1912—Order of
Submission.]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 20th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The further hearing of this cause was this day resumed and arguments concluded by respective counsel, and thereupon by the Court ordered that said cause be and the same is hereby submitted to the Court for decision. [89]

Testimony.

Tuesday, August 15th, 1911.

[Testimony of Harry V. Gregg, for Libelant.]

HARRY V. GREGG, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Gregg, you are the secretary of the company, are you not? A. I am.

Q. You are the one that was sworn to the answer in this case? A. Yes.

Q. You understand that Mr. Diericx is an officer of the company? A. Yes.

Q. What position does he hold?

A. Assistant general manager.

Q. In this answer, Mr. Gregg, you have sworn to certain details respecting this bill, and I call your attention to the allegation "that respondent is informed and believes, and upon such information and belief alleges that the just and reasonable value of the work and materials omitted as aforesaid by agreement of the parties from the original contract as aforesaid is the sum of \$1,398.25, and of the additional work and materials furnished as aforesaid the sum of \$8,280.50." Where are the details from which you made up those figures?

A. I cannot answer that right offhand. It has been some time since I put that in, and I do not remember just where I got the details.

Q. Well, you saw the details before you put this in.

A. I had to have it before me, yes, in order to get these figures, I must have had, or else it was told to me by somebody that had the details, or else it was

(Testimony of Harry V. Gregg.)

made up probably by the superintending engineer.

Q. Well, have you no recollection about this at all now, how [90*—2†] you got those figures?

A. No, I don't remember exactly how that was done.

Q. You say "exactly."

A. What was the date of that?

Q. I will get the date of it for you. That is May the 13th, 1910.

A. No, I do not remember just how I got those figures because I have not looked at that since signing that.

Q. Well, did you make up the figures yourself?

A. No, I did not. Those figures were supplied to me by some one; just who it was I can't say.

Q. Well, can't you refresh your recollection upon the subject?

A. Not without going into the thing. You see that has been a year and over, and I have not looked at it or paid any attention to it; I have been busy with other things, and I have not paid any attention to this from that time to this.

Q. So now you do not know whether you figured that out yourself?

A. I honestly do not remember just how I did get these figures.

Q. Don't you remember anything at all about the preparation for this answer of the details of this answer?

*Page-number appearing at foot of page of certified Transcript of Record.

†Original page-number appearing at foot of page of Testimony as same appears in Certified Transcript of Record.

(Testimony of Harry V. Gregg.)

A. Of course they must have been made up by some one, in order to get them; at the time I signed them I must have looked over the figures and thought they were correct; but just exactly what it was, you ask me right offhand a year and a half after, I can't remember now.

Q. Haven't you any recollection on the subject at all?

A. No, I have not. I could probably look the thing up and dig into it and find out how I got it.

Q. How long will it take you to do that?

A. I don't know; I will have to find out where I got the figures, the person whom I may have gotten them from. [91—3]

Q. Who would you probably get them from?

A. I may have gotten them from Captain Saunders or the chief engineer at the time, or they may have been supplied by the attorneys.

Q. Didn't you preserve any of the detail by which that was gotten up?

A. No, I have not preserved them.

Q. If it was supplied to you, have you any recollection at all of how it was supplied to you—if it was supplied to you?

A. I can't remember just how I did get it, no.

Q. It seems, Mr. Gregg, that you ought to have some recollection.

A. You see there has been so many things come in between there, Mr. Frank—we have had all kinds of things down at the office.

Q. I know.

(Testimony of Harry V. Gregg.)

A. As far as I am concerned, I have kind of lost track of it.

Q. Well, didn't you consider it an important matter at that time? A. I certainly did.

Q. Sufficient to impress your memory somewhat?

A. At that time it was brought before me and I was satisfied myself that it was correct, and I simply let it go out of mind.

Q. How did you satisfy yourself?

A. I do not remember how I did; I would not have signed it if I had not.

Q. You do not remember? A. No.

Q. Do you recollect anything at all about the different items of this answer by which you arrived at the different figures to which you have verified in this answer?

A. No, I have lost track of those amounts.

Q. You have lost track of every detail connected with them?

A. Right here, yes, without refreshing memory or going into the [92—4] thing in detail—I could not remember figures for a year and a half without looking at them.

Q. It is not a question of remembering the figures. I am asking you now for the circumstances connected with it which would, by means of which you arrived at those figures, independent of the figures themselves.

A. There are two or three different ways I may have got these figures; they might have been furnished by the superintending engineer or by the port

(Testimony of Harry V. Gregg.)

warden, chief engineer—we were all busy at the time with them,—and they may have been supplied by the attorneys; but at the time I was reasonably certain that they were correct and I signed them to that effect.

Q. That is, you were certain because somebody told you that those were correct?

A. I was led to believe, in checking them over, etc.,—I was satisfied that they were correct, or else I would not have signed them.

Q. Have you no data remaining in your office concerning this matter at all?

A. We may have. I don't remember, as I say off-hand whether I have or not.

Q. Then, if I understand you correctly, Mr. Gregg, you have no recollection now of any detail regarding this matter and it is quite as likely that the figures were furnished to you by the attorneys and you accepted them as it is with any detail so given to you?

A. It is possible. As I say, that was done last May, we will say, and from that time to this I have not looked over that or paid any attention to it, and I can't come up right here offhand and say what has been done. [93—5]

Q. Do you think it would refresh your recollection any to look over the answer?

A. I do not think right here; it would take some little time to study it over and find the details of it. We have so many different things coming up, different kinds of things and we kind of drop them after a year and forget them.

(Testimony of Harry V. Gregg.)

Q. I understand you might forget all about the detail, but would you forget the main?

A. As a matter of fact, I do not remember whether that was Morrison and Brobeck or McClanahan that had charge of it at that time.

Q. So your mind is an entire blank upon the whole subject? A. At the present time, it is.

Q. It is.

A. It has simply erased itself from my memory.

Cross-examination.

Mr. McCLANAHAN.—Q. The office of the Matson Navigation Company is now on Market Street, is it not? A. Yes.

Q. What time did you come to this building this morning?

A. Somewhere in the neighborhood of 10 o'clock.

Q. What time is it now?

A. 10:30; practically 10:30.

Q. Before coming here did you know that you were going to be called as a witness in this case?

A. No, I did not.

Q. You had no knowledge of it at all?

A. Not a bit.

Q. What brought you to the building?

A. You telephoned and asked me to come up to the office—I meant Mr. Derby.

Mr. McCLANAHAN.—That is all.

Mr. FRANK.—That is all, Mr. Gregg. [94—6]

[**Testimony of A. C. Diericx, for Libelant.**]

A. C. DIERICX, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Diericx, you are the assistant general manager of this corporation defendant?

A. That is my title, Mr. Frank.

Q. You have seen the bills attached to the complaint in this case marked Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10?

A. I believe so. I would like to see them again, just to be certain.

Mr. McCLANAHAN.—By the way, are those bills that you refer to bills that are attached to your office copy of the libel, Mr. Frank?

Mr. FRANK.—Yes.

The WITNESS.—Then I have seen them.

Mr. McCLANAHAN.—Mr. Commissioner, have you the original papers here?

The COMMISSIONER.—I have not.

Mr. McCLANAHAN.—Will you see that they are here after the noon recess?

The COMMISSIONER.—Yes.

Mr. McCLANAHAN.—I make this statement for the reason, Mr. Frank, that the copies which were attached to our office copies of the libel were not copies of the exhibits as attached to the original libel, and we had to go up to court and change them to conform to the original libelant's exhibits.

Mr. FRANK.—I do not understand that; but if these copies are not like those attached to the original papers, why, of course, we can verify them.

Mr. McCLANAHAN.—For instance, Mr. Frank,

(Testimony of A. C. Diericx.)

on our original copy [95—7] served on us, Schedule 8—

Mr. FRANK.—I object to this as not being testimony.

Mr. McCLANAHAN.— —was a bill for a circulating pump, and I find that Schedule 8 on the libel as filed is a bill for furnishing four new bearing boxes.

Mr. FRANK.—That is what it is. I will look into that later. That cuts no figure in this.

Mr. McCLANAHAN.—I wanted to be sure that your copy attached to your office copy was not as ours was, which evidently were a mistake.

Mr. FRANK.—We will confine ourselves for the present to Schedules 1, 2 and 3, as I understand from the pleadings that the other schedules are admitted, all except one or two items in one of them, and therefore they will cut no figure in this examination.

Mr. McCLANAHAN.—We say that the pleadings will speak for themselves.

Mr. FRANK.—That is true. If that is not a true copy of the pleadings—I am certain it is—but if it is not, we will correct that.

Q. I will show you schedules 1, 2 and 2, Mr. Diericx, these itemized schedules. (Addressing the Reporter.) Now, just read the question.

(The last question repeated by the Reporter.)

A. I have seen them; that is, I have seen copies of them—I presume they are the same thing.

Mr. FRANK.—Have you the schedule, Mr. McClanahan, here that Mr. Diericx used, so that there

(Testimony of A. C. Diericx.)

will be no question about it?

Mr. McCLANAHAN.—That Mr. Diericx what?

Mr. FRANK.—That Mr. Diericx used, which you admit are the true schedules as on the complaint, or rather in the libel. [96—8]

Mr. McCLANAHAN.—I have my copies of Schedules 1, 2 and 3, which we have compared with the original schedules in the libel filed. You are not going to offer these in evidence?

Mr. FRANK.—Well, I want to—

Mr. McCLANAHAN.—I think they are the same as yours; we found no mistake.

The WITNESS.—What is the purpose of this question?

Mr. FRANK.—I want to save any question.

The WITNESS.—You said “used” just now.

Mr. McCLANAHAN.—I think they are the same. We found no material mistake. You see I have retained the billhead for 1, 2 and 3. We found no material variation in the schedules annexed to the original libel and our copy.

Mr. FRANK.—Q. Now, as assistant general manager—you are also an engineer, are you not?

A. No.

Q. What is your business?

A. I am a naval architect.

Q. A naval architect? A. Yes.

Q. These bills were submitted to you, were they not, for approval? A. They were not.

Q. These schedules? A. They were not.

Q. They were not? A. No.

(Testimony of A. C. Diericx.)

Q. They were submitted to the company for approval, were they not?

A. I presume so. That was before my connection with the company.

Q. Well, they were presented to you by the company for your approval? A. They were not.

Q. For what purpose were they presented to you by the company?

A. As a record of a case in dispute.

Q. Did you go over them? A. No. [97—9]

Q. You did not go over them at all? A. No.

Q. Are you sure you never went over those?

A. Absolutely.

Q. Bills. A. Absolutely.

Q. This matter is in your charge, is it not?

A. Yes.

Q. And has been right straight along?

A. That is, the matter of the dispute—

Q. Is in your charge? A. It is.

Q. And you as assistant general manager have formulated the defense in this case, have you not?

A. I have not.

Q. You have not? A. No.

Q. Have you not on several occasions gone over this matter and proposed amounts to the United Engineering Works which you were willing to allow and pay? A. On one occasion.

Q. How did you arrive at your amounts?

A. By getting the unbiased testimony of an expert to give me an idea of the cost of the work, the value of the work.

(Testimony of A. C. Diericx.)

Q. And then your entire objection to this bill is based upon the opinion of some third party whom you had figure upon it; is that so?

Mr. McCLANAHAN.—I object to that question as immaterial, what the objection is based upon.

A. Yes.

Mr. FRANK.—Q. Who was that third party?

A. Mr. Fred A. Gardner.

Q. At the time of your conversation with the United Engineering Works did you not state that there was no objection to the bill for material in these schedules? A. No.

Q. You did not? A. No. [98—10]

Q. Do you know how this amount of \$22,922.56 that you admit to be due is made up? A. I do not.

Q. You have no knowledge of the details?

A. No knowledge of the details.

Q. Did you not work it up with Mr. Gardner and with these several parties? A. Absolutely, no.

Q. You have been the active agent in getting up these details, have you not? A. Absolutely, no.

Q. And know nothing about these details?

A. Know nothing about the details.

Q. Then, as I understand you, all the figures in your answer and all the objections to this bill are based upon the suggestions of Mr. Gardner as to what he deems on his figures the work ought to cost?

A. No.

Q. Then what is it based on? A. I do not know.

Q. You do not know what it is based on?

A. No. The answer is not my answer.

(Testimony of A. C. Diericx.)

Q. Yes, but as assistant general manager of the company you have just stated to me that your objections were taken from the word of Mr. Gardner as an expert.

A. That was in the first place, in hoping to make a settlement in full of the account, but that was a long while after Captain Matson, the president of the company, had decided not to pay it in full, that it was an overcharge.

Q. Very well. But you yourself, acting as assistant general manager of this company have proposed figures to be paid for this bill, have you not?

A. In trying to arrive at an amicable settlement and avoid a lawsuit I did in Captain Matson's absence at Honolulu. [99—11]

Q. And as I understand you, those figures were based upon the suggestion of Mr. Gardner?

A. With a lot of additions that I made myself to be sure that it would be high enough.

Q. On what basis did you make your additions?

A. From general observations as to the amount of overtime and that sort of thing that was probably carried on while the work was done at that time.

Q. Is that all that you know about the details of this matter? A. That is all, Mr. Frank.

Q. Mr. Diericx, when was Mr. Gardner first consulted regarding this matter?

A. I think it was some time in February, 1909.

Q. 1909? A. 1910, rather.

Q. And when was it that you had your conversation

(Testimony of A. C. Diericx.)

with the United Engineering Works respecting this matter?

A. Probably in that same month, or early in March.

Q. Have you no recollection of the date?

A. None at all.

Q. Are you sure that those conversations were held subsequent to the employment of Mr. Gardner?

A. Absolutely.

Q. You are absolutely sure. What makes you so absolutely sure when you have no recollection of the date?

A. Because I had absolutely no knowledge of the value of the work that was performed.

Q. You had a timekeeper, did you not, on this work?

A. The Matson Navigation Company, I believe, employed a timekeeper.

Q. Did you consult with the timekeeper?

A. I asked the timekeeper two or three questions after he had tendered his resignation and left the ship.

Q. Who was that timekeeper?

A. His name was Putzar.

Q. You had other people upon the job at that time, did you not, [100—12] in the employ of the Matson Navigation Company?

A. Well, I only know by hearsay and report. You see the job was carried out when I had no connection with the Matson Navigation Company. I entered the service of the Matson Navigation Company on

(Testimony of A. C. Diericx.)

the 1st of February, 1910, and this job was performed in September, 1909.

Q. Well, that would not interfere with your knowledge of the fact that there were other men in the employ of the Matson Navigation Company on that job, would it? A. I believe there were.

Q. Well, don't you know as a matter of fact there were? A. Well, by hearsay, of course, they were.

Q. Well, you know by the records of your company that they were? A. Yes.

Q. Did you consult any of those other people upon the job? A. No.

Q. Then, as I understand you, Mr. Diericx, you know nothing about the justice of this bill except what has been suggested to you by Mr. Gardner?

A. That is a fact.

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Diericx, did you hear what Mr. Putzar's connection with this job was?

A. He was generally supposed to be the time-keeper.

Q. When did he resign as chief engineer of the "Hilonian"?

A. It was very early in February; I do not know the date.

Q. Did you have any conversation with him at the time that he resigned?

A. Well, we might have had a few minutes of ordinary conversation. I do not recall it.

Q. Do you know why he resigned?

A. Why, he stated to me at the [101—13] time

(Testimony of A. C. Diericx.)

that he did not like the triangular run the vessel made to the Sound and then to Honolulu and back to San Francisco; it did not give him enough time in San Francisco.

Q. When you said, Mr. Diericx, that you put to Mr. Putzar several questions about this job, what were those questions?

A. That was later. That was when I had accepted his resignation. In the acceptance I told him I would like to see him to ask him a few questions relating to the bill in dispute with the United Engineering Works, as I had hopes of making a settlement, an amicable settlement on it, and he came up to the office, and the time-book was on my desk, which was supposed to be his record, and I asked him if that was his record, and he said it was. I asked him if it contained all the time that was worked on the ship and all of the job and he said it did, and I think that was about the extent of the conversation.

Q. Have you seen Mr. Putzar since then?

A. Not to talk to.

Q. Do you know whether efforts have been made to see Mr. Putzar on behalf of your company?

A. Not that I know of.

Q. Do you know Mr. Putzar's relations with the United Engineering Works? A. I do not.

Q. Mr. Diericx, in your past experience you have had something to do with shop work, have you not?

A. Yes, a good deal.

Q. What is this time-book that Mr. Putzar was supposed to have kept?

(Testimony of A. C. Diericx.)

A. It is supposed to be a record of the time that the men worked on the ship.

Q. Kept for the benefit of the ship?

A. Well, for whoever employs the timekeeper.

Q. Do you know how it is kept when it is kept regularly? [102—14]

A. Well, in my experience, a timekeeper usually goes around to work and checks the men on the work, probably twice a day, takes down their numbers and the number of hours they are working on each particular job.

Q. And enters it in a book called the time-book?

A. Called the time-book.

Q. Is that book kept in duplicate as a usual thing?

A. Why, in ordinary practice, in shipyard practice, it is not.

Q. It is not? A. It is not.

Redirect Examination.

Mr. FRANK.—Q. Of course, Mr. Diericx, you know nothing about how the time was kept in this particular case, do you? A. I do not.

Q. As I understand, you were not connected with the company at the time the work was done?

A. I was not.

Q. Just exactly what did Mr. Putzar tell you about his time-book, about a record of what did he tell you that it was?

A. A record of the time of the men that worked on board the ship.

Q. Have you that time-book? A. I have not.

Q. Well, your company has.

(Testimony of A. C. Diericx.)

A. I believe it is in the hands of the attorneys, Mr. Frank.

Mr. FRANK.—Have you it here, Mr. McClanahan?

Mr. McCLANAHAN.—No, I have not.

Mr. FRANK.—Is it up in your office?

Mr. McCLANAHAN.—Yes.

Mr. FRANK.—I would like to have you send for it, please.

Mr. McCLANAHAN.—Haven't you got the originals?

Mr. FRANK.—I have one, but I want to see whether or not it is the same. [103—15]

Mr. McCLANAHAN.—I will produce the time-book for the purpose comparing it with the original to see if it is a copy. We produce the time-book for the purpose of comparing it with the original in the hands of the libelant (producing).

Mr. FRANK.—I appreciate that limited production, but if it is competent as evidence, of course I have the right to use it.

Q. Of course, besides being the timekeeper he was the chief engineer of the vessel, was he not?

A. He, I believe, went out as chief engineer of the vessel after the repairs were made.

Q. And he was on board in his capacity as an engineer overseeing the work?

A. That I do not know. I have never heard him referred to other than as timekeeper.

Q. Well, for the mere matter of keeping time, it is not the practice to employ a skilled engineer for

(Testimony of A. C. Diericx.)

that purpose, is it, Mr. Diericx?

A. Well, I do not know that it would be a practice, but a man with the qualifications of an engineer could keep better segregated time.

Q. That is he knows to what class each worker belongs? A. Yes.

Q. Whether he is a machinist or a helper or all of the different grades of work, he would understand what they were in order to take the men's time. Is that right?

A. Yes; he would have a better knowledge than the ordinary timekeeper for that.

Q. And so far as any other office that he performed on board the ship during the time of that work, not having been connected with the company, you have no knowledge? A. I have no knowledge.

Mr. FRANK.—That is all.

Mr. McCLANAHAN.—That is all. [104—16]

[**Testimony of Francis Dolan, for Libelant.**]

FRANCIS DOLAN, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Dolan, you are the pattern-maker, are you, over at the United Engineering Works? A. Yes, sir.

Q. And was such at the time of the repairs of the "Hilonian" here in question? A. Yes, sir.

Q. As such pattern-maker it was your duty to make the patterns for the castings? A. Yes, sir.

Q. In performing work in your department, what can you say with reference to the different jobs carrying an identifying number?

(Testimony of Francis Dolan.)

A. Well, what do you mean by identifying number?

Q. Has every job its own number? A. Yes.

Q. That is, you are given certain numbers that identify each job? A. Yes, sir.

Q. That passes through your shops? A. Yes.

Q. Those numbers are given to all the workmen, are they not? A. Yes, sir.

Q. The list put up in each department at the time the job commences? A. Yes.

Q. I will show you now a series of cards which are numbered as follows: D9040, D9041, D9042, D9045, D9048, D9053, D9055, D9065, D9066, D9069, D9070, D9077, and ask you to look at them and tell me what they are?

A. It says "lumber in"—

Q. (Intg.) I do not want you to read them, but to state whether or not those are cards showing material used by you on the "Hilonian" job specified on those cards.

A. Yes. There is my signature to all of them.

Q. The "F. D." at the bottom is your signature?

A. Yes, in every one. [105—17]

Q. And those cards were made at the time the job was done? A. Yes, sir.

Q. State whether or not they correctly state the material used at that time on those particular jobs.

A. Yes, sir.

Q. I notice on D9077 there is a correction made, 50 feet to 40 feet; state whether or not that was

(Testimony of Francis Dolan.)

made at the time the card was entered and made by you.

A. Yes, it was made by myself; I am the only person that gets those up.

Q. That is your own change? A. Yes, sir.

Q. Also on D9053 there is a change made of the job number; that whether or not that is your change?

A. That is my change also, yes.

Q. Made at the time?

A. Yes, at the time I put it in, the day I wrote the rest of the card.

Q. Now, I find the same thing on D9069.

A. Yes.

Q. What is that?

A. The correction you mean at the right-hand side?

Q. Yes.

A. That is right; that is my correction also. You see there had been a "3"; I made it 5295—I started to put the date underneath there instead of the number there; that is what I done.

Q. You started to put the date there?

A. I think I started to put the date in the wrong corner; something to that effect.

Q. State whether or not these several job numbers on these cards are the job numbers of the "Hilonian"?

Mr. McCLANAHAN.—Q. If you know.

A. Yes, to my knowledge, they are, sir.

Mr. FRANK.—Q. At the time that the cards were made out did you have the job numbers before you?

(Testimony of Francis Dolan.)

A. Yes, I did. [106—18] I usually put the name of the boat I am working on on the ticket also, but in this case I did not.

Mr. McCLANAHAN.—Q. What is that, Captain? Speak a little louder.

A. I usually put the name of the boat I am working on, you know. I would put the word “Hilonian,” but in some cases I did not.

Mr. FRANK.—Q. At any rate at the time those cards were made out you knew them to be correct?

A. Yes, sir.

Mr. FRANK.—Now, we offer these cards in evidence. I presume they are sufficiently identified by the numbers, unless you want some other identification. I have a large number of them here and we might as well agree upon some method.

Mr. McCLANAHAN.—What number do you refer to?

Mr. FRANK.—I refer to those numbers there.

Mr. McCLANAHAN.—Well, we can agree on the identification number, but we shall have to object to the exhibit as being hearsay evidence, irrelevant, incompetent and immaterial; further, on the ground it is a self-serving document and inadmissible.

(The bunch of cards is marked “Libelant’s Exhibit 1.”)

Mr. FRANK.—Q. That is the usual and uniform method of keeping a record of the work?

A. Yes.

Q. In the works over there? A. Yes.

Q. Now, I have another series of records marked

(Testimony of Francis Dolan.)

with print on it, "Foundryman place this number on bill." A. Yes.

Q. They are headed "United Engineering Works" and are numbered 6235, 6238, 6240, 6256, 6261, 6266, 6271, 6272, 6273, 6274, 6276, 6280, 6286, 6287, 6289, 6290, 6299, 6294, 6298, 6301, 6303, 6304, 6305, 6310, 6321, 6291, 6317, 6251, 6257, which I will ask you please to examine and state whether or not they are records made by you of the work done on castings for the steamer "Hilonian"? [107—19]

A. I will look at the headings to see whether, I wrote each one. They are all mine.

Q. Is that in your own handwriting? (Handing.)

A. The last one is too but I did not remember to put the word "Hilonian" on the top.

Q. But they are all in your handwriting?

A. Yes.

Q. Of work that passed through your hands for the "Hilonian"? A. Yes, sir.

Q. The term "shop order number" at the head, state whether or not that is the number of the job.

A. This number here? (Showing.)

Q. Shop order number. A. Yes.

Q. The number following is the number of the job? A. Yes, sir.

Q. Are these made out in duplicate, Mr. Dolan?

A. Yes, sir.

Q. And one copy retained by you? A. Yes.

Q. And passed into the office?

(Testimony of Francis Dolan.)

A. One in the office and one kept by myself and that one.

Q. And one kept by yourself? A. Yes.

Q. You say, and this one.

A. I should say one for the office, one would go to the foundryman and one for ourselves.

Q. Now, I notice on each one of these in the column "Wt. pounds" there are weights. A. Yes.

Q. Are those your figures? A. No, sir.

Q. The rest of it is your handwriting?

A. Yes.

Q. What does "C" mean?

A. Cast iron—C-I.

Q. C-I— A. Cast iron.

Q. That is under the head of materials.

A. Yes, cast iron.

Q. On number 6240, under head of material, what was that? A. That is brass. [108—20]

Q. On 6256 under the head of material, besides the C-I there are two brs. What are they?

A. Here is a case in which I failed to put in what the material was, and the gentleman who put the weights down put in the material. That is a mistake I made in that case.

Q. Well, at any rate the gentleman who received the finished product and who put down the weights also put down the material of which the finished product was made?

A. The material. He is outside, if you want to take that up.

Q. I understand. I will take that up. You just

(Testimony of Francis Dolan.)

answer the questions. On 6266 under the head of material, it seems also somewhat obliterated; tell us what that is. A. Brass.

Q. The same thing, 6271. A. Brass.

Q. The same on 6272. A. Brass.

Q. On 6273. A. Brass.

Q. On 6280 under the head of material.

A. It is brass.

Q. All of the articles are brass—those are ditto marks? A. Yes, brass.

Q. Now, on 6287 the first two items can be hardly read. A. Bronze and brass.

Q. Brass is the last. A. Brass is the last.

Q. And 6289. A. Brass.

Q. And 6290. A. Brass.

Q. And 6299. A. Brass.

Q. And 6294. A. Brass.

Q. Both of them? A. Both of them.

Q. 6298. A. Brass.

Q. 6303. A. Brass.

Q. 6304. A. Brass; all the parts.

Q. Is that in your own handwriting? A. Yes.

Q. The parts are brass right straight down?

A. Yes. [109—21]

Q. 6305. A. Brass.

Q. Both of them? A. Yes.

Q. 6310. A. Brass.

Q. 6291. A. Bronze.

Q. 6251. A. Manganese bronze.

Q. 6257. A. Machine brass.

Q. M-B. A. Yes, the same as brass.

(Testimony of Francis Dolan.)

Q. Mr. Dolan, with respect to these various matters to which I have just called your attention, these various articles mentioned here are made to a size to fit a particular vessel?

A. Well, they were made to a drawing that was given to me for the "Hilonian."

Q. And they were all of a particular size, were they not? A. They were.

Q. That is, on a scale to fit a particular part on the vessel? A. Yes.

Q. Now, Mr. Dolan, referring again to the yellow cards, particularly from 9040 to 9077, that is all lumber. What was that lumber used for?

A. Sometimes for patterns and sometimes for requirements of machinists, and on that line.

Q. Well, examine these and see whether or not these are not all for patterns?

A. In that case, that, to my recollection, was machinists coming and asking for that for certain purposes of their own.

Mr. McCLANAHAN.—Q. Will you refer to the number that you are testifying to?

A. That is the number, 5295.

Mr. FRANK.—Q. What is the number that card is identified by?

A. Well, that is D9040; that is a case of a machinist coming and saying he would want so much lumber for a certain work he was [110—22] doing on the "Hilonian," and I would give him the lumber to do it. That was the idea of that. D9041 is lumber in piston and eccentric 108 feet.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN.—We are going to consume a good deal of time unnecessarily that way. The witness is just reading what is on the card.

Mr. FRANK.—Q. Just say what it is.

A. I will say pattern.

Q. Give the number, what is contained in that, if more than one article designate the article.

A. D9042, that is a pattern.

Q. That is, it is a pattern in which a casting was made? A. Yes.

Q. That is, it is castings that you have been testifying to on the other white slips, is that right?

A. Yes. D9045. Number of babbitt—

Q. Casting?

A. No. That was given to the man who babbitts them with the babbitt metal, so that he can do it properly, do the job. D9048, pattern.

Q. In which a casting is molded.

A. Yes. D9053, pattern; D9055, pattern; D9058, a check for grinding piston rods; they are given to any machinist. D9065, pattern; D9066, pattern; D9070, pattern; D9077, pattern; that is all.

Q. Those patterns, I understand you are made for the castings? A. Yes, sir.

Q. Which were made under these other numbers on the white slips? A. Yes, sir.

Q. And used by you for that purpose?

A. Yes.

Mr. FRANK.—Now, I offer the white slips also in evidence.

Mr. McCLANAHAN.—Make your complete offer

(Testimony of Francis Dolan.)

for identification so that I can object to it. [111—23]

Mr. FRANK.—I offer both of them separately.

Mr. McCLANAHAN.—And the second is to be identified by the numbers here?

Mr. FRANK.—Yes. They are the white slips, “foundryman place this number on bill,” with the numbers.

Mr. McCLANAHAN.—We object to the introduction of the white slips on the ground that they are incompetent, irrelevant, immaterial, hearsay and self-serving.

(The papers are marked “Libelant’s Exhibit 2.”)

Mr. FRANK.—Q. With reference to all of these slips, both yellow and white, as I understand that you knew at the time the record was made that they were true records of what was done? A. Yes, sir.

Q. And can you recall now as to them also? (Showing.)

Mr. McCLANAHAN.—I object to that question as indefinite, not referring to any particular slip that you have introduced.

Mr. FRANK.—Q. I am referring to all the white slips.

A. Yes, on all of them. I will stand for all of them; they were made for the ship “Hilonian.”

Mr. McCLANAHAN.—I object to that and ask that it be stricken out as irresponsive to the question.

Mr. FRANK.—Q. When you say you stand for all of them, what do you mean?

A. I mean that they were all gotten out for the “Hilonian.”

(A recess was here taken until 2 P. M.) [112—24]

(Testimony of Francis Dolan.)

AFTERNOON SESSION.

FRANCIS DOLAN, direct examination resumed.

Mr. FRANK.—Q. Mr. Dolan, just take the bunch of cards I hand you now, and tell us what those are (handing). A. That is my own personal card.

Q. Look them through before you answer, then you will be able to make one answer for all. Are these your personal cards? A. Yes, sir.

Q. Recording your time? A. Yes, sir.

Q. That is the time that you put in in making the patterns to which you have testified this morning?

A. Yes, sir, and looking after others.

Mr. McCLANAHAN.—I object to the witness being led, Mr. Frank, to that extent.

Mr. FRANK.—It may be technically improper, but I think under the circumstances there can be no legitimate objection to it.

Q. Now, Mr. Dolan, I hand you time-card of August 26, 1909, and ask you when you made the record indicated on that time-card?

A. The following morning, as I do in all cases.

Q. That is, you entered on the card the following morning? A. Yes, sir.

Q. And how do you keep track of it?

A. Well, I know what I done the previous day. That is all there is to it.

Q. And how do you identify the particular work done on the [113—25] “Hilonian”?

A. That was what occupied my time the day previous to my writing this. That work occupied my time the day previous to my writing this.

(Testimony of Francis Dolan.)

Q. What identifies it as the "Hilonian"?

A. 5309, I believe, is the proper number.

Q. I am not asking you about these numbers; at the time you made the entry in that card, did you verify the numbers?

A. Sure, from the work I had done; yes.

Q. You knew the numbers, and you knew the time? A. Yes, sir.

Q. And you entered it on the card?

A. Yes, sir.

Q. And at that time the card was correct, you knew? A. Sure.

Q. Then, as I understand you, under the column "Job Number" you enter the particular job you are working on, is that right? A. Yes, sir.

Q. Under the column "Hours Worked," you enter the number of hours you work? A. Yes, sir.

Q. Under "Article Worked On," you enter—

A. The piece.

Q. The name of the piece that you were working upon? A. Yes, sir.

Q. What is "Shop No. 390"?

A. That is my number.

Q. That is your number in the shop?

A. Yes, sir.

Q. You enter that also? A. As you see.

Q. You enter that? A. Yes, sir.

Q. And your name? A. Yes, sir.

Q. And the date? A. Yes, sir.

Q. With each of the other cards bearing your name, and dated [114—26] respectively August

(Testimony of Francis Dolan.)

27th, 1909, August 28th, 1909, August 30th, 1909, August 31st, 1909, September 1st, 1909, September 2d, 1909, September 4th, 1909, September 6th, 1909, September 8th, 1909, September 10th, 1909, September 11th, 1909, September 12th, 1909, September 13th, 1909, September 14th, 1909, September 15th, 1909, September 16th, 1909, September 17th, 1909, September 18th, 1909, and September 20th, 1909, are all records made by you in the same way, is that so?

A. Yes, sir.

Q. Look them over so that you will be able to say?

A. (After examination.) Yes.

Q. At the time that you made these records did you know them to be correct? A. Absolutely.

Q. After you make that record what do you do with it?

A. Take it down to the office, and give it to the timekeeper.

Q. Now, I show you another set of cards, and ask you what those are (handing)?

A. Those are what I signed to receive my wages.

Q. How are those records made?

A. They are made by—the timekeeper, I suppose, looks after his end of it. That refers to the office.

Q. Don't you punch a clock?

A. I beg your pardon. I punch a clock. Is that to what you allude to?

Q. Yes. A. I punch a clock.

Q. Is that the record of the clock (handing)?

A. That is the record of the clock to see how punctual I am.

(Testimony of Francis Dolan.)

Q. These three time-cards represent "Pay Ending August 28th, [115—27] , 1909; Pay Ending September 11th, 1909; Pay Ending September 25th, 1909."

Mr. FRANK.—We offer these in evidence together as an exhibit, and ask to have them marked Libelant's Exhibit 3.

Mr. McCLANAHAN.—We object to them as incompetent, irrelevant, immaterial, hearsay, and self-serving documents; not evidence against the respondent in this case.

(The time-cards are marked "Libelant's Exhibit 3.)

Mr. FRANK.—Now, Mr. Dolan, I show you another batch of cards, and ask you what those are (handing).

A. These are the time-cards of one of the men who was employed in my department.

Q. In your department? A. Yes, sir.

Q. Under your supervision? A. Yes, sir.

Q. Do you check up his time? A. I do.

Q. Also? A. Yes, sir.

Q. Every day? A. Every day.

Q. On each card?

A. On each card, and each item.

Q. And each item? A. Yes, sir.

Q. And at the time you do so you know it to be correct? A. Yes, sir.

Q. And do you, or who hands this card in?

A. I do. In this case I do. I hand in all my own department.

(Testimony of Francis Dolan.)

Q. That is all the men in your department?

A. Yes, sir.

Q. This batch is, "E. L. Clifford, September 14th, 1909; September 16th, 1909; September 17th, 1909." With respect to the work done by these men who assigns the work? Who does it? [116—28]

A. Who assigns it to them?

Q. Yes. A. I do.

Q. And keep track of them? A. Yes, sir.

Q. And their time? A. Yes, sir.

Q. I show you what appears to be the time-card of Clifford (handing). A. He punches his own.

Q. That is the clock record? A. Yes, sir.

Q. That is dated, "Pay Ending September 25th, 1909"? A. Yes, sir.

Q. And at the time you passed these in, you knew the statements on them to be correct?

A. Yes, sir.

Mr. FRANK.—We offer these in evidence as Libelant's Exhibit 4.

Mr. McCLANAHAN.—I object to that as incompetent, irrelevant, immaterial, hearsay and self-serving.

(The time cards are marked "Libelant's Exhibit 4.")

Mr. FRANK.—Q. Now, Mr. Dolan—

Mr. McCLANAHAN.—With your consent, Mr. Frank—

Mr. FRANK.—My consent to what?

Mr. McCLANAHAN.—With your consent my objections may apply to all this class of evidence.

(Testimony of Francis Dolan.)

Mr. FRANK.—You mean to all the time-cards that go in?

Mr. McCLANAHAN.—All the class of evidence that has been introduced by you as exhibits so far. Will there be any more of that nature?

Mr. FRANK.—There will be a great deal more of that nature.

Mr. McCLANAHAN.—I make the suggestion.

Mr. FRANK.—If you want to make a wholesale objection [117—29] I have no objection to it, but I think perhaps you will find it more advantageous to enter it each time, and there will not be so much difficulty, and there will not be any question about the nature of the objection.

Mr. McCLANAHAN.—If you do not object I shall ask you to consent that my objections stand to all that call of evidence without repeating it.

Mr. FRANK.—The trouble is, Mr. McClanahan, that that involves a determination of what is that class of evidence in each case. I would be very glad to make this as easy as possible, but I want also to be accurate. There will be very little difficulty to note your objections as we go along. It will only be a few words.

Mr. McCLANAHAN.—All right, I will do so.

Mr. FRANK.—Q. I now show you another set of time-cards, and ask you what that is (handing).

A. (After examination.) That is his time-cards, and the time by the clock.

Q. That is Raichhold's? A. Yes, sir.

Q. He was a man under you, in this department?

(Testimony of Francis Dolan.)

A. Yes, sir.

Q. And what you have said concerning checking up Clifford's cards applies as well to him?

A. Yes, sir.

Q. And also what you have said concerning keeping his time, and assigning him to work?

A. Yes, sir.

Q. And everything in detail, just the same as you have testified to Clifford? A. Yes, sir.

Q. His cards also were passed in by you?

A. Yes, sir.

Q. After checking up and verifying?

A. Yes, sir.

Mr. FRANK.—These cards are: "August 27th, 1909; [118—30] August 28th, 1909; August 30th, 1909; August 31st, 1909; September 1st, 1909; September 2d, 1909; September 3d, 1909; September 4th, 1909; September 8th, 1909; September 10th, 1909; September 11th, 1909; September 14th, 1909; September 15th, 1909; September 16th, 1909; September 17th, 1909; September 18th, 1909; and September 20th, 1909"; and the clock cards are: "Pay Ending August 28th, 1909; Pay Ending September 11th, 1909; Pay Ending September 25th, 1909." We offer these in evidence as Libelant's Exhibit No. 5.

Mr. McCLANAHAN.—We object to the offer and the introduction on the ground that it is incompetent, irrelevant, immaterial, hearsay, and self-serving.

(The time-cards are marked "Libelant's Exhibit No. 5.")

(Testimony of Francis Dolan.)

Mr. FRANK.—Q. Now, I show you another set of cards, and ask you if that is the card of a man also working under you on this job. A. Yes, sir.

Q. That is Robert Shepard? A. Yes, sir.

Q. The time of this man was also supervised by you? A. Yes, sir.

Q. In the same way as you have testified to regarding the others? A. Yes, sir.

Q. The time written up? A. Yes, sir.

Q. And verified by you? A. Yes, sir.

Q. And at the time the record was made you knew it to be right? A. Yes, sir.

Q. Passed in by you to the timekeeper?

A. Yes, sir.

Q. These cards are dated: "August 30th, 1909; September 3d, 1909; September 4th, 1909; September 15th, 1909"; and the clock cards are his also?

A. Yes, sir. [119—31]

Q. Dated: "Pay Ending September 11th, 1909," and: "September 25th, 1909"? A. Yes, sir.

Mr. FRANK.—I offer these in evidence, and ask that they be marked Exhibit No. 6.

Mr. McCLANAHAN.—I object to them as incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on this respondent.

(The cards are marked "Libelant's Exhibit No. 6.")

Mr. FRANK.—Q. Is that all in your handwriting (handing)? A. Yes, sir, that is mine.

Q. All those materials are down in your handwriting? A. Yes, sir.

(Testimony of Francis Dolan.)

Q. Is that the original sheet of which this is the carbon?

A. Yes, sir, 6256. It is a case of the carbon misplaced.

Q. In other words, the carbon did not carry?

A. That is the idea.

Q. And that was inserted afterwards?

A. That was inserted afterwards.

Q. And this is correct? A. Yes, sir.

Mr. FRANK.—We offer this in evidence in connection with 6256 already in evidence in Libellant's Exhibit No. 2.

Mr. McCLANAHAN.—What is the object of this offer? I see it is simply a duplicate of something already in evidence.

Mr. FRANK.—Mr. Dolan said that this notation under the material here was not in his handwriting. I want to show that that material was used by his testimony.

Mr. McCLANAHAN.—The same objection, incompetent, irrelevant, immaterial, hearsay, and self-serving, and not [120—32] binding on the respondent.

Mr. FRANK.—With your permission I will put it in over 6256.

Mr. McCLANAHAN.—You had better have it marked.

Mr. FRANK.—It is a yellow sheet, and cannot be mistaken, the yellow sheet of 6256, and is made a part of Exhibit No. 2.

Q. I will hand you this bunch of yellow sheets, and

(Testimony of Francis Dolan.)

ask you to look through them, and state whether or not they are not all in your handwriting, and made at the time that the material there indicated was made up and sent out, and part of the records of your shop? A. (After examination.) Yes.

Q. These are the upper surface sheets of which the white sheets, Exhibit 2, are the carbon copies, are they not? A. Yes, sir.

Mr. McCLANAHAN.—Those last are not introduced in evidence.

Mr. FRANK.—Not yet. I will introduce them presently. I want to have some further testimony in regard to them. [121—33]

Cross-examination.

Mr. McCLANAHAN.—Q. You are now in the employ of the United Engineering Works, are you?

A. Yes, sir.

Q. Please do not answer my question before you hear it all. How long have you been in their employ, Mr. Dolan? A. It may be nearly eight years.

Q. You were in their employ then in August and September, 1909? A. Yes, sir.

Q. What was your particular employment at that time? A. Pattern-maker.

Q. That is a particular department of the works, is it? A. Yes, sir.

Q. What was your position in that department? A. Foreman.

Q. What were your duties as foreman?

A. Well, to see that all the work that came into that department was made.

(Testimony of Francis Dolan.)

Q. You did not do any of the work yourself?

A. Yes, sir.

Q. Were you kept working all the time on the work yourself? A. Yes, sir.

Q. And in addition to doing the work itself that came into the department, or your share of it, you had other duties, did you? A. Yes, sir.

Q. What were those?

A. My duties are distributed, to see as regards any one person the work that might be down on the "Hilonian," looking after a piece of work. I might be at a bench making a piece of work for the "Hilonian," etc.

Q. You were kept busy working about the shop during the busiest hours doing work yourself?

A. About the shop?

Q. Yes. A. And sometimes about the ship.

Q. You say you were timekeeper also?

A. No, sir.

Q. Who was timekeeper in your department?

A. In my department? [122—34]

Q. Yes.

A. Each of us put down our own time for the work performed in a certain job.

Q. And when one of the men under you put down his time and handed the card to you, you simply took his word for the truth of it, did you not?

A. No, sir.

Q. Who was the timekeeper of that department?

A. In that sense I would be.

Q. Did you watch that man do his work?

(Testimony of Francis Dolan.)

A. Yes, sir; that is my business.

Q. How could you watch a man in the shop when you were down on the ship?

A. I might give a man a job and return in half an hour and see him at it, so I knew what he was doing.

Q. So you were timekeeper?

A. If you wish to put it that way.

Q. There was no other timekeeper; is that correct? A. That is correct.

Q. My examination now is going to refer solely to the month of August and September, 1909.

A. Yes, sir.

Q. When a piece of work came into the shop, will you just tell me exactly the method that was pursued in handling it?

A. Yes, sir. The draughtsman would hand me a sketch of a piece of work, and I would hand it to a pattern-maker. I would give him instructions on that piece of work, tell him how to make it, how I wanted it molded, and let him do the rest.

Q. Well, with reference to keeping track of that work, tell me the process?

A. I would know when I gave it to him, especially on a small piece, to within a half an hour as to when I should get it.

Q. How did you know what that work was for?

A. The draughtsman would give me the sketch and on it was for whom it was.

Q. On the sketch was for whom it was?

A. Yes, sir. [123—35]

(Testimony of Francis Dolan.)

Q. Was there any number on the sketch?

A. Yes, sir.

Q. What number?

A. The number of the job and the name of the boat sometimes.

Q. Did you have in your department any other than this number which you say was on the sketch?

A. No, sir. All work has to have a number.

Q. All work has to have a number?

A. That is the first thing I look for.

Q. And you get the number from the draughtsman?

A. From the draughtsman, or whomsoever gives it to me. It might be the superintendent in the machine shop.

Q. What would he give you besides the number?

A. The same as the draughtsman.

Q. Give you a sketch? A. Yes, sir.

Q. So that the sketch handed you, whether handed by the draughtsman or anyone else, contained on it the number of the job? A. Yes, sir.

Q. And that number remained on that job all through the work, did it? A. Yes, sir.

Q. You had no knowledge as to where this work went to except through this job number?

A. Generally speaking, that is so; in another sense, not so. I have a knowledge as to where most of it would go. Anybody that knows what a marine engine is knows where certain pieces go.

Q. I refer to what ship it goes to. Your only knowledge as to what ship it went to comes from

(Testimony of Francis Dolan.)

your knowledge of the number? A. Yes, sir.

Q. And that you got from somebody else?

A. Yes, sir.

Q. So that when you get a sketch with a certain number on it, [124—36] without any designation of the ship that it is for, you do not know what ship it is for?

A. As you say, I would not know in that case, but as a rule I always inquire.

Q. And sometimes the sketch has on it the name of the ship? A. Yes, sir.

Q. Now, referring to the yellow sheets which have been introduced here in evidence marked "Libelant's Exhibit 1," who furnished you with these blank sheets? A. The office.

Q. They are numbered to the left consecutively, are they? A. Yes, sir.

Q. As they reach your hand blank?

A. Yes, sir.

Q. And you fill these sheets out from the sketch in part, do you not?

A. From the tag-book; they come in a tag-book. I have the copy of that.

Q. That is, there is something connected with this blank yellow sheet that we have not before us now?

A. Yes, sir.

Q. What is that? A. A copy of that.

Q. Who makes that copy on the book that we have before us? A. I do.

Q. That is made from the sketch, is it not?

A. No, sir; in writing out material, I know the

(Testimony of Francis Dolan.)

material I use, and I write it on my tag, and write it on that, and I cut that off and give it to the office.

Q. This then which has been introduced as "Libellant's Exhibit 1" is a duplication—

A. (Intg.) Yes, sir.

Q. Wait a moment—is a duplication of another entry in the tag-book? A. Yes, sir. [125—37]

Q. You get the number on the right which is called the job number from the sketch, don't you?

A. Yes, sir.

Q. And the ship that the work is intended for, you get from the sketch, do you? A. Yes, sir.

Q. You have not an independent recollection now of this work?

A. Yes, sir, I have in lots of cases, lots of points; for instance, the large patch we put on there; also the main boxes we put in there and several other parts of it.

Q. Little items of lumber you would not remember now independently?

A. Yes, sir; I would know the number on the boxes and the number on the patch I tell you about, and several other things.

Q. And you have been doing work ever since then?

A. Yes, sir.

Q. The same kind of work? A. Yes, sir.

Q. Can you remember the lumber that was used in any other ship since then?

A. I could in that patch.

Q. Answer my question: can you remember the lumber that was used in any other ship since then?

(Testimony of Francis Dolan.)

A. On any specific piece?

Q. Yes.

A. I could memorize that and bring it back.

Q. Do it, please.

A. Say I made a propeller for the steamer "Borden" or some other steamer around the bay, for any one that I made recently,—I made 3 or 4 recently—I know the lumber that went into them or somewhere about the amount, in the neighborhood of 220 or 230 feet.

Q. I want you to give me a sample of your memory as to some particular ship that you did work on.

A. Some particular ship?

Q. Yes, in the year 1909. It is pretty hard to do, is it not? [126—38]

A. Let me see now. I will have to call up—I cannot just call up what we were doing about that time.

Q. It is pretty hard to do.

A. I could tell Mr. Dierux how much I put into a wildcat I made for him just about that time; I can tell you that much.

Q. Is that all you can remember?

A. That is one case. You happen to call up one case.

Q. I want you to call up another case not connected with the Matson Navigation Company?

A. I am trying to see if I can think of anything large about that year. If you were to ask me about any specific one, if you happened to know, I might answer you. I cannot call it up now myself.

Q. That is my suggestion; it is pretty hard to re-

(Testimony of Francis Dolan.)

member those things without having before you something to refresh your memory; is that not so?

A. Yes, sir.

Q. When you said that this work was all done for the "Hilonian," and I refer to the lumber furnished shown by the yellow cards, I call your attention to the card of August 28th; how do you know that was for the "Hilonian," 108 feet?

A. It says there, "lumber in piston follower and eccentric liners and crosshead slide." We made those things for them. That amount of lumber was in the job.

Q. It is not possible it was made for some other ship? A. No, sir; here is the number.

Q. It is the number that gives you the idea?

A. And the sketch I had at the time.

Q. You have not the sketch here?

A. The sketches are in the office. [127—39]

Q. Where are they? A. They are in the office.

Q. In the office of the United Engineering Works?

A. Yes, sir.

Q. So that the only thing that makes you say that that particular lumber on August 28th went into the "Hilonian" was the number 5295 that went into the "Hilonian" appearing on the card?

A. Yes, sir, and the sketches.

Q. Where are the sketches?

A. They were presented to me.

Q. You have not seen the sketches recently for this particular job? A. Recently?

Q. Yes. A. No, sir, at the time I did.

(Testimony of Francis Dolan.)

Q. I am speaking now of your testimony here where you say that that lumber went in to the "Hilonian." A. Sure.

Q. The only thing that makes you say that now is this job number 5295? A. Sure.

Q. That refers also to the fifteen feet of lumber on August 26th does it not?

A. Yes, sir, in fact to everything.

Q. In fact everything in the yellow sheets?

A. Yes, sir.

Q. You had no other number that you worked on except this so-called job number? A. That is all.

Q. What was the job number for the job on the "Hilonian"? A. Whatever it says there.

Q. You did not have but one number?

A. There may have been two or three numbers.

Q. For the same job? A. For the same job.

Q. I asked you if there was not one number for the same job.

A. I would not vouch for that. Any number that you see there was presented to me.

Q. Here is a card dated September the 1st, with the number 5295 on it, which you have said was the matter which identified that work with the "Hilonian," that is correct? A. Yes, sir. [128—40]

Q. Now, I will turn to the next card which is September 3d, and I find this number 5325. How does that identify that material with the "Hilonian"?

A. Whatever sketch they presented to me had that number on, and I simply put it down there.

Q. That is not my point. I want to know what

(Testimony of Francis Dolan.)

identifies that with the "Hilonian"?

A. The fact that they gave it to me saying it was from the "Hilonian."

Q. Where does it appear it was from the "Hilonian"? A. On the sketch.

Q. The sketch shows "Hilonian" on it?

A. Yes, sir.

Q. How do you know it does if you have not seen it since 1909? A. The number would tell me.

Q. I asked you if you knew the numbers for the "Hilonian"?

A. That must have been for the "Hilonian" when the number was given to me.

Q. How do you know it was given to you, 5325?

A. Because I put it down there.

Q. It does not say anything about "Hilonian" on that slip?

A. It must have been on the sketch they gave to me asking for the work.

Q. Why must it have been. Why not for some other ship?

A. Because I took care not to be marking other numbers for other ships on the "Hilonian's" work.

Q. You must know that 5325 is a "Hilonian" number? A. Yes, sir, I must.

Q. What other numbers are "Hilonian" numbers?

A. That I could not tell you.

Q. How could you tell this one?

A. Because it was presented [129—41] to me on the sketch.

Q. You have not seen this sketch since 1909?

(Testimony of Francis Dolan.)

A. No, sir, but I made that in 1909.

Mr. FRANK.—I make the objection that at the time he did the job the numbers were presented there, and he knew it to be correct at the time he made the entry. He is not required to remember it to-day.

Mr. McCLANAHAN.—That is in the evidence, and we are not calling on you to testify.

Mr. FRANK.—No, but I am making objection to the manner in which you are examining the witness in view of the fact that you know that that is in the evidence.

Mr. McCLANAHAN.—Q. I show you also another card of September 11th with number 5325 on it. Have you any other explanation to make as to your knowledge that that work went into the “Hilonian”?

A. Yes, sir.

Q. What is the explanation?

A. I will tell you how they do that sometimes; for instance, that pintle was among the last that was done at that time. Now, as each little job came up they sometimes put it in under a different number. That explains that. That explains these various numbers.

Q. That is your explanation?

A. That is my explanation of it.

Q. That is your explanation of why you know that that work on September 11th went into the “Hilonian”?

A. Yes, sir.

Q. I refer you now to the card of September 15th, numbered 5398, and ask you how you know that work went into the “Hilonian”?

A. It has the number again. [130—42]

(Testimony of Francis Dolan.)

Q. The number again? A. Yes, sir.

Q. You have no further explanation to make?

A. And of course the sketch given to me with the number on it, saying it was for the "Hilonian."

Q. I refer you to the card of September 17th and ask you how it is that you know that lumber went into the "Hilonian"? A. The same rule prevails.

Q. You are willing to testify under oath that 5325 is the job number of the "Hilonian"?

A. For that particular piece.

Q. And that 5398 is the job number of the "Hilonian"? A. For that particular piece.

Q. And number 5295 is the job number for the "Hilonian"? A. For that particular piece.

Q. And all the pieces on which 5295 appears?

A. Yes, sir.

Q. And all the pieces on which 5325 appears?

A. Yes, sir.

Q. Now, when this job leaves your department, the clerical work of it, the charging part, it goes into the office, I understand? A. Yes, sir.

Q. It still retains its job number that you had when it was in your department? A. Yes, sir.

Q. So that there is but one job number for the particular piece of work? A. Yes, sir.

Q. And that job number is recognized in the office as well as in the shop? A. Yes, sir.

Q. Do you know whether any other numbers are used in connection with particular classes of work done on ships?

(Testimony of Francis Dolan.)

A. Yes, sir, the same rule prevails on all ships, and on all jobs. [131—43]

Q. I am asking you if there is any other number other than the job number used in the United Engineering Works?

A. No, sir, everything is a job number.

Q. Everything has a job number?

A. Is a job number.

Q. There are other numbers used are there not besides job numbers?

A. No, sir, everything is a job number.

Q. Are you sure about that?

A. Yes, sir, everything is a job number.

Q. Everything has a job number?

A. Is a job number.

Q. And there are no other numbers used?

A. No, sir.

Q. So that if there are bills sent out from the United Engineering Works with numbers other than job numbers, you do not know what those numbers mean? A. No, sir.

Q. Do these job numbers run consecutively?

A. As a general rule they do.

Q. Take your mind back to August and September, 1909. You were doing other work at that time, were you not, besides the work on the "Hilonian"?

A. Yes, sir.

Q. Can you remember any of the ships that you were working on?

A. Well, no, I could not specify any single one

(Testimony of Francis Dolan.)

for the time being. I could if I had my book with me.

Q. But you know there were others?

A. Yes, sir, every day there is a new one comes in.

Q. The United Engineering Works were not running their establishment solely for the "Hilonian" job during that period? A. No, sir.

Q. Where does this lumber shown on this yellow slip, Exhibit 1, come from?

A. Sometimes they keep it underneath the [132—44] building.

Q. Do you get it out from under the building?

A. Yes, sir.

Q. You measure it?

A. Yes, sir. I know the amount that goes into a job.

Q. Answer my question. Do you measure it?

A. Do I measure the lumber, yes.

Q. Do you cut it?

A. Not all of it. The men cut their share.

Q. Do you measure it before or after it is cut?

A. I measure it, you might say, after the pattern is done.

Q. You measure the amount of lumber?

A. Yes, sir.

Q. You say, "you might say." Don't you know positively how you measure it, or when you measure it?

A. I know the amount of lumber that goes into a pattern from long experience.

Q. When do you measure it?

(Testimony of Francis Dolan.)

A. I measure it when the pattern is finished.

Q. You measure it when the pattern is finished?

A. Yes, that is when I measure it.

Q. You made but one piston follower for the "Hilonian" did you not, the pattern for one?

A. I could not tell you how many I made.

Q. Can you tell by examining your yellow sheets as to how many you made?

A. I could tell from the casting tags how many piston followers we cast.

Q. Where are the casting tags?

Mr. FRANK.—Right here.

Mr. McCLANAHAN.—Q. When you say they are right here, you refer to Libelant's Exhibit No. 2?

A. Yes, sir. [133—45]

Q. The white sheets? A. Yes, sir.

Q. Please tell me whether you made more than one piston follower for the "Hilonian"?

Mr. FRANK.—Take your time and go through it carefully, so that you will know what you are talking about.

A. (After examination.) There are two piston followers casting tags there.

Mr. McCLANAHAN.—Q. That is not answering my question. I want to know how many piston followers were made?

A. Two. It says two in the list. One in one place, and one in another. There is one place (pointing).

Q. You are now referring to foundryman's number 6235? A. Yes, sir, and 6286.

Q. How many piston followers did you make for

(Testimony of Francis Dolan.)

the low pressure piston? A. The castings?

Q. Yes. A. As many as were stated there.

Mr. FRANK.—Just consult the record.

A. That says one.

Mr. McCLANAHAN.—Q. That says one what?

A. There is one.

Mr. FRANK.—Give the witness a chance. He is answering your question.

A. That says one, and it is detailed all the way down.

Mr. McCLANAHAN.—Q. You are referring to foundryman's number 6286? A. Yes, sir.

Mr. FRANK.—Q. He is asking you for the low pressure piston. A. I beg your pardon.

Mr. McCLANAHAN.—Q. I want to know how many low pressure piston followers were made?

A. What about the low pressure? [134—46]

Q. My question is very simple and plain. I want to know how many low pressure piston followers you made for the "Hilonian"?

Mr. FRANK.—Look at your record, and then you can see.

Mr. McCLANAHAN.—Q. Examine the paper and answer. A. Did I make any?

Q. I am asking you.

A. Inasmuch as there are only two followers, and one says a 23 inch it is possible I might have called that a low pressure, but it might be an intermediate.

Q. You are now referring to the piston follower appearing on 6235, are you not? A. Yes, sir.

Q. Let us turn to the follower appearing on 6286.

(Testimony of Francis Dolan.)

Is that a low pressure follower?

A. That is a balance cylinder.

Q. So there is only one possible low pressure piston follower that you made for the "Hilonian" as shown by your records?

Mr. FRANK.—He did not say that he made any.

A. I did not say I made a low pressure. I only said I made two followers.

Mr. McCLANAHAN.—Q. I am asking you whether you made more than one low pressure follower? A. I did not say I made one at all.

Q. What did you say?

A. I say the records show there were two piston followers.

Q. Confine your answer now to the low pressure follower.

A. I do not say anything at all about the low pressure follower.

Q. I am asking you now—

A. If the record does not show that I got a casting for it [135—47] I did not make it at all.

Q. Did you make a casting for a low pressure follower? A. I do not know.

Q. What does this low pressure follower on 6225 mean?

A. 23-inch piston follower. That is the diameter of the cylinder.

Q. You do not know whether that would be a low pressure or not?

A. I beg your pardon. It is not a low pressure. That I do know.

(Testimony of Francis Dolan.)

Q. That is not a low pressure? A. No, sir.

Q. You are sure the one appearing on the other sheet, No. 6286, is not a low pressure follower?

A. Yes, sir.

Q. So that you want to say you made no casting for any low pressure follower?

A. Unless they are there, and there are none there for a low pressure.

Q. Then you made no casting for a low pressure follower? A. Unless it is there.

Q. Then if it is not there you did not make it?

Mr. FRANK.—What is the use of arguing with the witness. I object to the form of the examination. Ask the witness questions. Do not argue the case with the witness. He is not a lawyer.

Mr. McCLANAHAN.—Q. If a low pressure follower had been made you would have made the casting for it, would you not? A. Yes, sir.

Q. It could not have been made anywhere else in the shop? A. The pattern, no.

Q. Or the casting? A. Or the casting.

Q. These slips which have been introduced as Exhibit 2 [136—48] purport to represent the finished casting, or finished work in your department?

A. Yes, sir. I was done with it when it went out of my department.

Q. It represents the work that was done in your department? A. Yes, sir.

Q. How do you know that this work was all for the "Hilonian"?

A. The number and the sketch as usual.

(Testimony of Francis Dolan.)

Q. The sketch you have not seen since it was used?

A. No, sir.

Q. So it is the number that refreshes your mind now, is it not? A. And the fact that it is on there.

Q. And the fact that it is on here? A. Yes, sir.

Q. Where it is not on here it is simply the number that refreshes your mind?

A. You cannot separate them.

Q. Cannot separate what?

A. The fact that the number is there, and that I wrote it down there, and that I must have had the sketch for it when I made it.

Q. Where the slip does not show the word "Hilsonian" on it, the number is the only thing that refreshes your mind?

A. The possibilities are that the name of the boat was on the drawing too, and that I did not immediately write it down there. Sometimes I do not put the name of the boat, but the number, and it might be on the drawing.

Q. Did you ever make patterns without a sketch at all? A. Without a sketch?

Q. Yes.

A. Yes. I can make a pattern without a sketch if a person will tell me what they want.

Q. I ask you if you ever did? A. Yes, sir.

Q. It is not the practice though?

A. No, sir; for instance, [137—49] I can make a propeller without a sketch.

Q. The shop order numbers appearing on the slips of paper, marked Exhibit No. 2, are representatives

(Testimony of Francis Dolan.)

of the "Hilonian," are they? A. I beg pardon.

Mr. FRANK.—Let the witness see Exhibit No. 2.

Mr. McCLANAHAN.—I have it right here before me.

Q. What is the answer?

Mr. FRANK.—One moment. (To the witness.)
Do you know what the exhibit he refers to is?

A. I do not know what you allude to.

Mr. McCLANAHAN.—Q. There it is (pointing).

A. This one?

Q. That is what I am asking? A. Sure.

Mr. McCLANAHAN.—Q. Mr. Dolan, the weights which appear on sheets forming Exhibit No. 2 are the weights of material furnished to the office from which charges and bills are made up, are they not?

A. Yes, sir.

Q. Your only knowledge of piston followers made for the "Hilonian" comes from an inspection of Exhibits No. 1 and No. 2, does it not?

A. For the time being I would say, yes.

Q. And the weight of the material for the two piston followers appearing on the sheets forming part of Exhibit No. 2 are correct, are they?

A. Yes, sir.

Q. Now referring to your time-cards, as shown by Libellant's Exhibit No. 3, I find in looking over them that there is a 31 appearing at the top of them in red ink. What does that mean?

Mr. FRANK.—Show it to him.

A. That was a number put there by the office. It is something [138—50] they will have to tell you.

(Testimony of Francis Dolan.)

I could not tell you.

Mr. McCLANAHAN.—Q. Something put there by the office? A. Yes, sir.

Q. That you know nothing about? A. No, sir.

Q. In fact all of the red ink marks appearing on those cards were put there by the office, were they not?

A. Yes, sir. I might make a mistake, and he would call me up on the phone and I would have to check it.

Mr. FRANK.—Q. And those (pointing)? So as to the change in job numbers that was done with your sanction after you verified it?

A. Yes, sir, they would call me up about it.

Mr. McCLANAHAN.—Q. Do these time-cards which have been introduced in evidence as Exhibit 3 represent time done on the “Hilonian”?

A. Yes, sir, that is that portion of it which have the “Hilonian” numbers. I might have five jobs in each one of them.

Q. Can you tell me the “Hilonian” numbers without referring to the cards? A. No, sir.

Q. Can you tell me the “Hilonian” numbers by referring to the cards?

A. Yes, sir, by referring to my mental tags.

Q. I am speaking now of the time-cards that were made by yourself, as I understand it?

A. Yes, sir. I will take the numbers from them, put it on a piece of paper and answer you, yes.

Q. I want to know whether you can take these time-

(Testimony of Francis Dolan.)

cards, and from them tell me the "Hilonian" numbers?

A. Yes, sir, in relation to this; only that way.

Q. Please do so.

A. 6295 states it is for the "Hilonian."

Q. Without confusing the record, please answer the question [139—51] simply. I want to know the numbers on those time-cards that refer to the "Hilonian" from the numbers. Just read the numbers. A. 5295; 5295 again.

Q. You have got that. We only want one number but once. A. There is another one.

Q. Read the number? A. 5295.

Q. The same number? A. Yes, sir.

Q. Do not read those again. Just the numbers that you have not read.

Mr. FRANK.—And also verify them.

Mr. McCLANAHAN.—He is under cross-examination.

Mr. FRANK.—I understand.

A. There are lots of 5295 there.

Mr. McCLANAHAN.—Q. In order to keep the record straight, just give us the numbers that refer to the "Hilonian" without any comment as appear by your time-cards. You have given us 5295. What other numbers?

Mr. FRANK.—Q. What Mr. McClanahan wants you to do is to go through this, and you had better go through it quietly. Take a piece of paper, and set off the particular numbers which, according to your jobs, were "Hilonian" numbers, and then give

(Testimony of Francis Dolan.)

him the numbers as they appear on your jobs there. Just take a piece of paper, and you and Mr. McClanahan will not get in any controversy about it. Check them up. Take your time, and do not be in a hurry; whether it is marked "Hilonian" on the card or not; go by the numbers.

A. 5295; 5325, and 5398. [140—52]

Mr. McCLANAHAN.—Q. In giving me this answer I notice that you have compiled your answer from an examination of Libelant's Exhibit 2, the white sheets? A. Yes, sir.

Q. That is not exactly what I asked you for.

A. It was the quickest way for me to answer you.

Q. Do you know the numbers that you have given me are all appearing on the time-cards, Exhibit 3?

A. I do not know that they are all.

Q. I want you to examine the time-cards and tell me what numbers are the "Hilonian" numbers?

A. Let me state a fact now. These are jobs for castings. There may be some job without any casting; for instance length-rods I gave out, and well—

Q. That is not pertinent to my question. I want you to examine the time-cards, and give me the numbers of them that pertain to the "Hilonian."

A. As far as that goes that stands, those three numbers.

Q. That is, the numbers appearing on the time cards which represent time given to the "Hilonian" work are 5295, 5325, and 5398? A. Yes, sir.

Q. Referring to that piston follower again, please tell me the number of pounds weight in the 23-inch

(Testimony of Francis Dolan.)

piston follower? A. 385.

Q. What is in the balance cylinder? A. 25.

Q. So that the weight of the two castings would be the sum of 385, and 25 pounds?

(An adjournment is here taken until to-morrow morning, Wednesday, August 16th, 1911, at 9:30 A. M. [141—53])

Wednesday, August 16th, 1911.

FRANCIS DOLAN, cross-examination resumed.

Mr. McCLANAHAN.—Q. Mr. Dolan, who in the office of the United Engineering Works gives to the job its number?

A. Sometimes the superintendent, and sometimes the timekeeper, but principally the timekeeper who has charge of the work, because all people must go to him for a job.

Q. Well, now, I go into the United Engineering Works to give them a job, I do not see the timekeeper, do I?

A. That is an explanation you can ask me for. You could come to me—our system is—you might come to me and ask me to make a hand-wheel for your automobile, and I can take the order from you, your name and address, and take it to the office and tell the clerk who is there to put in a number in for so and so, and then I can take it back to the shop.

Q. I want to find out now who in the office gives that number to the job? A. The timekeeper.

Q. The timekeeper of the office itself?

A. Yes, sir.

Q. Is there a timekeeper in the office? A. Yes.

(Testimony of Francis Dolan.)

Q. What was his name in August and September, 1909? A. I believe it was a Charles Scjoberg.

Q. Is he with the company now? A. Yes, sir.

Q. What does he keep the time on?

A. He just simply takes the cards from the men and I believe inserts it in.

Mr. FRANK.—Q. You say you believe. You understand it is only those things that you know about that you can testify to, not what you believe. If you know it, it is a fact.

A. I will ask you, Mr. Frank, if in view of that fact I can answer [142—54] the question?

Q. Whatever you know of your own knowledge you can answer to the best of your ability.

Mr. McCLANAHAN.—Q. Mr. Dolan, I asked you what he kept the time on. In what respect is he a timekeeper in the office?

A. I take my tickets and give them to him, sir.

Q. He is the man who does the clerical work after the time tickets are turned into him? A. Yes.

Q. He does not himself oversee the work of the men? A. No, sir.

Q. He has charge of the time-cards when they come into the office? A. Yes, sir.

Q. And that is what you call a timekeeper.

A. Yes.

Q. I believe you said yesterday that these job numbers are given to jobs consecutively?

A. Well, as a rule they are.

Q. I believe you said that the superintendent sometimes places to a job the number?

(Testimony of Francis Dolan.)

A. Yes, but it has to go through the rule in the office the same as I have to.

Q. Who was superintendent at that time?

A. Mr. Wilhelmson, isn't it?

Mr. FRANK.—Q. Do not ask somebody else about it. If you do not know, say so.

A. I beg your pardon.

Mr. McCLANAHAN.—Q. Spell the name?

A. W-i-l-h-e-l-m-s-o-n.

Q. Is he still with the company? A. Yes, sir.

Q. Still superintendent? A. Yes.

Q. No matter who gave a job number, it would be the next consecutive number following one job or the last in the office? A. Well—

Q. Do you understand my question?

A. Yes, I understand the question; that ought to be correct, unless we have something previous that might have been a job uncompleted. [143—55]

Q. For instance, if the job number on the last job turned into the works is 5295 and a new job comes in, it is given the number 5296? A. Yes, sir.

Q. Irrespective of who gives it to you? A. Yes.

Q. Irrespective of whether the job number is given to the new job by the superintendent or by the timekeeper? A. Yes.

Q. Or by yourself?

A. Yes. But we have to get those numbers from the timekeeper.

Q. I am not directing my inquiry to that.

A. I beg pardon.

Q. Well, when these yellow slips used by your de-

(Testimony of Francis Dolan.)

partment, which have been introduced as Exhibit 1, have been turned in by you who takes possession of them in the office?

A. Which yellow ones do you allude to?

Q. I said the yellow slips, Exhibit 1.

A. The material clerk. Do you allude to the material?

Q. The material clerk? A. Yes.

Q. Where and to whom do they ultimately pass?

A. To the gentleman who makes the bill up.

Q. What is his name? A. His name is Barker.

Q. Was he with the company in August and September, 1909? A. Yes, sir.

Q. Is he still with the company? A. Yes, sir.

Q. Between the receipt by the material clerk and the ultimate use of these slips by the bill clerk, what is done with them in the office?

A. I cannot answer.

Q. Do you know who handles them at all?

A. I told you Mr. Barker.

Q. I mean in the interim between the material clerk's handling them and the bill clerk.

A. No, I know not. [144—56]

Q. You don't know what use is made of them in the office? A. No, sir.

Q. After the bill clerk has used these slips do you know where they then go? A. They might—

Mr. FRANK.—Q. Not what they might, what you know? A. I don't know.

Mr. McCLANAHAN.—Q. They still remain, as far as you know in the possession of the company?

(Testimony of Francis Dolan.)

A. Yes, sir.

Q. Now, what you have said with reference to the handling of the yellow slips, Exhibit 1, applies to Exhibits 2, and 3?

Mr. FRANK.—Q. What are exhibits 2 and 3?

Mr. McCLANAHAN.—Q. We will take one at a time if Mr. Frank is confused—applies equally to Exhibit 2, which is the white sheets? A. Yes.

Q. Applies equally to the time-cards which have been introduced here as Exhibits 3, 4, 5 and 6?

A. Well, now, can I ask you a question? Is it fair for me to answer this question? They are outside of my department.

Mr. FRANK.—Q. Do you know about them of your own knowledge? A. No.

Mr. McCLANAHAN.—I will instruct him, Mr. Frank, if you please.

Q. Mr. Dolan, I do not want you to make statements you do not know about. I am assuming from the way that you have testified that you did know about it.

A. As a matter of my general information, that is my idea, that it is the duties of those men, but you know it is out of my line.

Q. You have been with the company a long while and you ought to know something about the way these matters are handled. Now, do [145—57] you know how these time-cards are handled?

A. Well, in the general way in which I have stated, is the general knowledge that I know of; but that is all I can say.

(Testimony of Francis Dolan.)

Q. They ultimately, as far as you know, pass to a bill maker, a bill clerk? A. That is about right.

Q. And that system, as far as you know, applies to all of these exhibits? A. Yes, sir.

Q. Do you know when the "Hilonian" first was delivered over to the United Engineering Works on this particular job?

A. On this particular job—well, my casting times or time-cards would tell you.

Q. I think you are mistaken about that.

A. No, sir; my casting cards.

Q. Your first casting card—

A. The time-card would be better.

Q. The time-cards would be better, would they?

A. Yes. I can help you out by stating that the first intimation I think we had of this job was the time that we made those large boxes for the main bearing.

Mr. FRANK.—Q. When you say "we" whom do you mean?

A. I mean the firm—when we made the box for the large bearings.

Mr. McCLANAHAN.—Q. They were made on August 26, Mr. Dolan, according to your time-card.

A. That was the time.

Q. As a matter of fact the "Hilonian" was turned over to you on August 23d?

A. Yes, I remember it did precede it. We got them ready according to the instructions.

Q. Now, you do not know how long she remained in the possession of the United Engineering Works?

(Testimony of Francis Dolan.)

A. No, excepting that would be a long time—it was a long time after I was finished with the castings—they would work on it afterwards. [146—58]

Q. Your last time-card is September 20th, and it was some time after that time?

A. Yes; the patterns would be got out first.

Q. So your time-cards do not give us an accurate statement of the time she was in the possession of the United Engineering Works under this job?

A. No, sir.

Q. Assuming that she was in the possession of the United Engineering Works from August 23 to September 24? A. Yes.

Q. Of course during that period you would not work exclusively on the “Hilonian”?

A. Not by any means.

Q. You made no separate treatment of your “Hilonian” time-cards, did you, or reports of material?

A. Oh, yes, separate treatment of all material.

Q. I mean in the handling of the slips; you passed them all into the company irrespective of whether it was the “Hilonian” or some other job you were working on? A. Yes.

Q. Day by day?

A. Sure. I won't say day by day. Sometimes I let them lay two or three days and then I would.

Q. Practically that? A. Practically that, yes.

Q. From that time, August and September, 1909, to this time you have not seen these slips, have you, that during that time you passed in? A. No, sir.

Q. Let us see; you commenced your examination

(Testimony of Francis Dolan.)

yesterday morning, did you not? A. Yes.

Q. When just prior to that had you first seen these various exhibits that have been introduced on your evidence since you passed them in in August and September, 1909?

A. I do not know that—there was one occasion in the office on the other side; on one occasion; I think only one or so, not more I think than two. [147—59]

Q. On the occasion when you saw them, the cards that you passed in in August and September—

A. One occasion over in the city office—over in our office on the other side, I mean.

Q. How long ago was that?

A. It may be two weeks ago; it may be two weeks, or may be one day last week. I do not remember just exactly.

Q. At the time they were first looked over again by you, who presented them to you?

A. Mr. Frank.

Q. Was he over there? A. Yes, sir.

Q. Do you know where he got them from?

A. He came over and got them from the shop.

Q. You did not give them to him? A. No, sir.

Q. So at that first occasion you had presented to you certain cards which to-day or yesterday were introduced in evidence; it that the idea?

A. That is right.

Q. Somebody other than yourself must have segregated the particular cards which you have introduced in evidence in this case from the other cards

(Testimony of Francis Dolan.)

of yourself which were used by you in August and September, 1909?

A. I can't tell you anything about that.

Q. You don't know who segregated them?

A. I don't know.

Q. It must have been that somebody in the office of the United Engineering Works took your entire set of cards for that period and extracted from it these particular cards; is that correct?

Mr. FRANK.—I object to that.

A. I could not tell you, sir.

Mr. FRANK.—One moment. That is not a proper question.

A. Pardon me, sir.

Mr. McCLANAHAN.—Q. At the time you first saw these cards a [148—60] couple of weeks ago, did anybody tell you on that occasion that job No. 5325 was a "Hilonian" job number? A. No, sir.

Q. Did you at that time look at the sketches for 5325? A. No, sir.

Q. Did anybody tell you at that time that job No. 5398 was a "Hilonian" job number? A. No, sir.

Q. Did you look at the sketches at that time?

A. No, sir.

Q. Of 5398? A. No, sir.

Q. Did anybody tell you that 5295 was a "Hilonian" job number at that time? A. No, sir.

Q. Did you look at the sketches for 5295 at that time? A. No, sir.

Q. Did you look at the sketches of any of these three job numbers, or rather have you looked at the

(Testimony of Francis Dolan.)

sketches of any of these three job numbers since then? A. I looked after them.

Q. But you have not looked at them?

A. I looked at several of them, yes.

Q. You looked at what?

A. I looked at several of them since then.

Q. What sketches for what job numbers did you look at?

A. Let's see. I think two or three of them. I think there were only three numbers, two or three of them.

Q. For what sketches of those three job numbers did you look at since two weeks ago?

A. I think we have them behind the doors there; I think the numbers are there.

Q. Answer my question.

A. You have to give me a chance to look at the sketches.

Q. You do not remember what sketches of what job numbers you looked at?

A. I just can't tell you the number; it is some of those three.

Q. You say the sketches are here in this office?

A. Yes. [149—61]

Q. When did they come here?

A. I believe yesterday.

Q. After your examination had closed?

A. I believe so. There is a correction to come in there. You asked me if I saw any of those numbers, and—

Q. I do not think I asked you any such question.

(Testimony of Francis Dolan.)

Mr. FRANK.—Let him finish his answer.

A. The idea was simply this way: I told you Mr. Frank was over there; but I had seen the card—I did not see the sketches but I could see the card there because I looked at one myself. Is that what you wish me to state?

Mr. McCLANAHAN.—Q. I do not know that that clarifies the situation. However, you can make any statement you want. A. All right, sir.

Q. When did you last see these sketches that are now in the office?

A. I saw one this morning and I think two last evening.

Q. Prior to seeing the two last evening you had never seen those sketches—you have not seen those sketches since the work was done, have you?

A. A year ago I brought a whole bunch of stuff I gathered and I looked for the rest of them and I found I had destroyed them, one year ago.

Q. Prior to seeing the two yesterday you had not seen those sketches before since the work was done?

A. No.

Q. Where is Mr. Robert Shepard?

A. He is in Alameda.

Q. Is he still in the employ of the United Engineering Works? A. No, sir.

Q. He would be the best man, would he not, to state what work he had done on the “Hilonian” during that period?

Mr. FRANK.—I object to that. That is for the Court to say, who would be the best man to say.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN. — Answer the question.
[150—62]

Mr. FRANK.—I object to it.

A. Shall I answer it?

Mr. McCLANAHAN.—Q. Yes; answer the question. A. I would give him the work to do.

Q. And he would be the best man to tell whether he did it or not, would he not, and the time he took?

Mr. FRANK.—Same objection. Do not argue with the witness.

A. Well, the gentlemen worked under my instructions, and I told them to do a certain piece of work, and that is all.

Mr. McCLANAHAN.—Q. Can't you answer that question? A. He could answer it.

Q. Is he the best man to tell the time he put on that job, better than you?

A. No, sir. I would be the best man.

Q. You are the best man to tell your own time, are you not?

A. And his time too, or any other person that works in my department.

Q. That answer applies to E. L. Clifford?

A. Applies to everyone in my department.

Q. Applies to every man that works in your department? A. Yes.

Q. Does it apply also to the use of the time clock by the men in your department? Are you better able to tell when they punched the time clock than they are?

Mr. FRANK.—I object to that as immaterial; the

(Testimony of Francis Dolan.)

time clock speaks for itself.

Mr. McCLANAHAN.—Unfortunately it is not in evidence.

Mr. FRANK.—The time clock's work is in evidence.

A. Well, I know the time I had them in the building, and I know that they are obligated for to punch that time clock any time they are under my jurisdiction. [151—63]

Mr. FRANK.—I would like to ask you, Mr. McClanahan, whether it is your contention that we are required to call every one of the 100 or more odd men who worked upon that job in order to prove those men's time or work?

Mr. McCLANAHAN.—Mr. Frank, to be perfectly frank with you, I will say now I do not think you are trying the case as I would try it. I think you are going to a lot of unnecessary trouble, but as you have started trying the case this way—

Mr. FRANK.—That is not an answer to my question. If you can instruct me in any way in which you would like me to try the case better than I am trying it now, I would be glad to hear of it.

Mr. McCLANAHAN.—Your method of trying the case is perfectly proper, though I do not think it is necessary, but as you have entered upon it, I am forced to pursue, follow after you.

Mr. FRANK.—If it is not necessary, I have been trying to get certain admissions from you for a long time that would render it unnecessary, because, as I understand it and have understood it indirectly from

(Testimony of Francis Dolan.)

your principals, there is a large portion of this bill which they do not dispute; but I have been unable to get any admission in the record upon that question, and therefore I am compelled to go into the details. Now, if there is any portion of this bill that you are ready to concede, so that we can prove that which you contest, why, I would be very glad to cut down the entire examination. I will say now that Mr. Diericx was invited to go over these details and check up this entire work in its detail, which you declined to do, and if you will check it up with us now we can do it now.

Mr. DIERICX.—When did you invite me to do that?

Mr. FRANK.—If you are disputing it we will put it in evidence [152—64] when the time comes.

Mr. McCLANAHAN.—Q. Are you a member of any union, Mr. Dolan?

A. Not at the present time.

Q. Were you at the time the work was done on the “Hilonian” in August and September, 1909?

Mr. FRANK.—What has that got to do with it?

A. I do not think so—I had a withdrawal card some years ago.

Mr. McCLANAHAN.—Q. What wages were you being paid in August and September, 1909?

Mr. FRANK.—We object to that as immaterial. There is a standard wage for each class of workmen that is recognized and charged for by all iron works, and it is not the wages of the men but the prices of the men that the party receiving the work pays for.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN.—Is that all a part of the objection?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Q. Answer the question.

A. \$5 a day.

Q. Were you classified as foreman or as a pattern-maker? A. Foreman pattern-maker.

Q. Foreman pattern-maker? A. Yes.

Q. What were pattern-makers paid?

A. \$5 a day.

Q. What was the foreman paid?

A. \$5 a day. And I will tell you why that was if you don't mind.

Mr. FRANK.—Never mind, Mr. Dolan.

Mr. McCLANAHAN.—Q. That is \$5 for each day worked? A. Yes.

Q. Suppose you worked on Sunday, what would you be paid? A. \$10 a day.

Q. And suppose you worked on holidays, how much would you be paid? A. \$10 a day. [153—65]

Q. When did your working hours commence on week days?

A. That was a nine hour day at that time, wasn't it, sir?

Q. I am asking you. Nine hours? A. Yes.

Q. Your card seems to indicate nine hours.

A. I think it was nine hours.

Q. When did your work commence?

A. At 7:20, to my recollection, at that time.

Q. 7:20? A. Yes.

Q. When did you stop work?

(Testimony of Francis Dolan.)

A. 10 minutes of 5, is my recollection.

Q. 10 minutes of 5? A. Yes.

Q. How much time was used by you at lunch or given you?

A. Half an hour, I believe, at that time. I think it is half an hour.

Q. Commenced at 7:20, stopped at 10 minutes of 5, and half an hour for lunch?

A. Yes; half an hour.

Q. Is that the time in your department for all the men? A. Yes, sir.

Q. Suppose you worked over that time?

A. I got overtime at the rate of time and a half till after 12 o'clock and then double time.

Q. That is, you got time and a half after 10 minutes to 5 up to 12 o'clock? A. Yes, sir.

Q. And then after 12 o'clock you got double time?

A. Yes, sir.

Q. As you would on Sundays and holidays?

A. Yes, sir.

Q. When you were working overtime, which would be after 5:20, you would be paid simply for the time you worked irrespective of the time you used for your meals during that time?

Mr. FRANK.—I am objecting to all of this class of examination on the ground it is incompetent and immaterial. It is immaterial [154—66] what these men were paid. There is a market value for wages established and recognized they are charged for, and it is immaterial what the men were paid at that time.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN.—Q. Answer the question.

(The last question read by the reporter.)

A. Yes, that is correct.

Q. But when you were working straight time you worked nine hours but you were paid for more than nine hours, were you not?

A. No, sir, just nine hours.

Q. And the nine hours then is the time excluding the half hour for lunch? A. Yes, sir.

Q. The half hour is not in the nine hours?

A. No, sir.

Q. Of course you have to work your straight time before you came to be paid for your overtime, do you not? A. Yes.

Q. Is that the custom prevailing through the shop?

A. Each department has its own rule as to overtime, according to the union's dictation.

Q. But you cannot get overtime until you have worked straight time?

A. Well, there were rules at that time as regards the unions, that they could, but the other departments would have to answer that.

Q. Well, in your department, you cannot get overtime until you work straight time?

A. That is correct.

Q. This was a union shop, was it, at that time?

A. Yes.

Q. You never did any work on the ship itself, did you, the "Hilonian"? A. Yes, sir.

Q. Do you remember when that was?

A. I helped fill the stern bearing; I also worked on

(Testimony of Francis Dolan.)

the patch on the condenser and several of the other parts of the ship. I was down on the ship as regards [155—67] the patch, working on that, along with a man.

Q. Can you take your time-cards, Exhibit 3, and pick out the time from the cards that you worked on the ship? A. I believe I can.

Q. Mr. Dolan, please go through all the cards before you make any answer for the record.

A. (After examination.) All those.

Q. By "all those" you mean the work shown on the cards handed to me covering the three particular numbers that you have testified to?

A. Yes. Let me explain. They were not all made on the ship. Some were made in the shop, but those that were on the ship that are there, that had to be made there, I was there.

Q. Well, these cards represent labor performed by you on the ship?

A. Oh, no; sometimes in the shop and sometimes on the ship.

Q. Well, now, I will have to hand the paper back to you.

A. Pardon me; there are none that way; they are all mixed.

Q. You can't tell me then— A. I can.

Q. Wait a minute. You can't tell me from an examination of these cards what work you did on the ship? A. Sure.

Q. Have you handed me the cards that show the work done by you on the ship. A. Yes, sir.

(Testimony of Francis Dolan.)

Mr. FRANK.—Q. What do you mean by that? Let us understand each other.

A. All right. For instance, it says stuffing boxes; it says thrust box. We had to fit the job right there; had to fit the job right there. I had to be personally down there to do the work there. The patch was there and could only be made there and necessarily I was there.

Mr. McCLANAHAN.—Q. Now, Mr. Dolan, I did not ask for any explanation.

A. That gentleman asked me that. [156—68]

Mr. McCLANAHAN.—Mr. Frank can ask for that on redirect examination, not now.

Mr. FRANK.—It is more convenient to do it now.

Mr. McCLANAHAN.—Well, it is encumbering the record in a way that I do not want to be responsible for on my cross-examination.

Q. Did any one check your time on the ship?

A. No, but I checked others.

Q. On the ship? A. Yes.

Q. So that there were others working beside you in your department on the ship? A. Sure, sir.

Q. On the occasions just pointed out?

A. Those there, yes.

Q. The cards show that you did certain work certain days. A. Yes.

Q. The cards shown me by you just now?

A. Yes.

Q. Check them over if you wish—they show that on August 27, 28, and August 31, you did work on the ship; is that correct?

(Testimony of Francis Dolan.)

A. The 27th, 28th and 31st, yes.

Q. Is that correct? A. Yes.

Q. And that on September 1, 11, 12, 13, 14, 16, 17 and 18 you did work on the ship? A. Yes.

Q. Is that right? A. Yes.

Q. You were the only man that checked up that work, that time? A. In my department.

Q. Well, in any department.

A. In my department. I only talk for my own.

Q. You have said that you checked up the time done on the ship by your department. A. Yes.

Q. Was anyone else checking up that time?

A. Not that I know of.

Q. Do you know a man named Putzar?

A. Yes. [157—69]

Q. Did he have anything to do with checking up your time on the ship?

A. What his duties were, I don't know.

Q. He did not, as a matter of fact, check up any of your time?

A. What he done sir, I don't know.

Q. Well, your cards were turned in for the ship work as they were for the shop work, turned into the same officer in the office? A. Yes, sir.

Q. And the cards themselves do not show, by themselves do not show what was ship work and what was shop work? A. No, sir.

Q. Did you ever explain to any one how much time appearing by these cards should be charged to ship work and how much to shop work? A. No, sir.

Q. And you cannot now tell us? A. No, sir.

(Testimony of Francis Dolan.)

Q. What should be charged to shop and what should be charged to ship work, that is the amount of time? A. No, I could not tell you.

Q. Mr. Dolan, a job comes into the shop of the United Engineering Works and is given the number, say 500. A. Yes.

Q. That number, as you understand it, applies to all shop work? A. Yes.

Q. Suppose work is done on the ship, is the same number retained for the ship work?

A. That depends, sir. Unless they give you another number, it would apply.

Q. Giving another number would be something out of the ordinary? A. Oh, no.

Q. Usually it is given the same number, the same job?

A. Well, no. It depends upon the nature of the contract, or whether it is an extra; it might be a contract and might be an extra. [158—70]

Q. Are extras given different numbers from contract jobs? A. Yes.

Q. And are time jobs given a number different from the contract jobs?

A. Time numbers on extras, yes.

Q. You call those extras.

A. Yes, extras it would be.

Q. But as a rule, don't you think that the work done in the shop and the work done on the ship, if it is of the same class of work, that is, if it is all contract work, it is done under one number, is it not?

Mr. FRANK.—I object to what the witness thinks.

(Testimony of Francis Dolan.)

If he knows it is a different proposition.

Mr. McCLANAHAN.—This is cross-examination.

Mr. FRANK.—Even so you have no right to ask what he thinks.

Mr. McCLANAHAN.—You have your objection.

A. If it is a contract job and has a contract number, it would be all contract job.

Q. Shop and ship would have the same number?

A. Providing it is a contract number, yes.

Q. Providing it is a contract job?

A. Yes, providing it is a contract job, yes.

Q. Now, suppose a time job is brought into the office and it is given a number, isn't that same number in the ship and in the shop?

A. Well, only the office can answer that question.

Q. You cannot answer it? A. No, sir.

Q. Is there anything to distinguish a contract number from a time job number?

A. Just the fact.

Q. Nothing to distinguish it in the number itself?

A. No, sir, not possible.

Q. I mean by that the contracts and the time job work receive consecutive numbers? A. Yes.

[159—71]

Q. For instance, 5295, if that was a contract job, and the next job coming in was a time job, it would receive 5296 as a number? A. Yes, sir.

Mr. McCLANAHAN.—That is all.

· Redirect Examination.

Mr. FRANK.—Q. Mr. Dolan, now, so far as numbers are concerned, I understand those numbers are

(Testimony of Francis Dolan.)

gotten out in the office? A. Yes, sir.

Q. And applied to the particular job?

A. Yes, sir.

Q. You have nothing to do with that?

A. No.

Q. All you have to do is to receive it from the office, whatever number it may be?

A. Yes, excepting in one case, I am permitted, if a customer comes in and asks me to get out a piece of work, I am permitted to go in and ask them to give it a number.

Q. But no such exception occurred in this work?

Mr. McCLANAHAN.—I object to the question as leading, and I object to all that have been asked as leading, so far.

Mr. FRANK.—This is redirect examination.

Q. On this piece of work there is no such exception?

Mr. McCLANAHAN.—Same objection.

A. Not to my knowledge.

Mr. FRANK.—Q. Well, the Matson Navigation Company did not come to you for any work?

A. No, sir.

Q. So all the work that was done under these for the Matson Navigation Company on the "Hilonian," the numbers were given to you from the office?

A. Yes, sir.

Q. And whether they were consecutive or not, you would have no means of knowing except by going up and consulting the office register? [160—72]

Mr. McCLANAHAN.—Objected to as leading.

(Testimony of Francis Dolan.)

A. No, sir.

Mr. FRANK.—Q. And with reference to the numbers, I understood you to say on your cross-examination that when you speak of jobs you don't mean the entire work, say on the "Hilonian," but each special piece of work.

Mr. McCLANAHAN.—I object to that as leading and suggestive.

Mr. FRANK.—Q. Is that what you said?

A. Yes.

Q. And each special piece of work has a number?

A. Provided they give it to me.

Q. Well, I understand, but that is the only knowledge you have as to the customary way in which the thing is done? A. Yes.

Q. Each special piece of work has a number?

A. Yes.

Q. So on the "Hilonian" there may be as many different numbers as there are different special pieces of work? A. Sure.

Mr. McCLANAHAN.—That is objected to as leading and suggestive.

Mr. FRANK.—Q. Now, with reference to these jobs on these time-cards that Mr. McClanahan has put in a bunch here as being cards in which you did work on the ship, would the entire work be done on the ship, or would it be done partly in the ship and shop? A. Partly in both places.

Q. Partly in both places? A. Yes.

Q. So when you have on this card one hour or four hours, that might be spent partly on the ship?

(Testimony of Francis Dolan.)

A. Yes.

Q. And partly in the shop? A. Yes.

Q. That is, no division is made; it is just charged?

A. Yes.

Q. And passed into the office as shop work?

A. Yes, sir.

Q. With reference to your own time-cards, in whose handwriting are they? A. My own.

[161—73]

Q. All in your own handwriting? A. Yes.

Q. Made out at the time? A. Yes.

Q. And then known by you to be correct?

A. Yes.

Mr. McCLANAHAN.—I object to this as improper redirect examination.

Mr. FRANK.—Q. With reference to the cards of the man handed you— A. Yes.

Q. —do you recognize the handwriting of the men?

A. Yes.

Q. Each one of them. A. Yes.

Q. You have looked over these cards?

A. Yes.

Mr. McCLANAHAN.—I object to this as leading, suggestive and improper redirect examination.

Mr. FRANK.—Q. And as I understood you upon your former examination each one of those as they came in were checked up by you and verified, as to the work and time? A. Yes.

Q. At the time they were made? A. Yes.

Mr. McCLANAHAN.—I object to that on the same grounds, going over the same matters which

(Testimony of Francis Dolan.)

were gone into on direct examination.

Mr. FRANK.—Q. With reference to the yellow slips about which you were asked, in whose handwriting are they?

Mr. McCLANAHAN.—Same objection.

A. My own.

Mr. FRANK.—Q. That is Exhibit No. 1. Now, the white slips, No. 2. A. My own.

Q. Your own handwriting? A. Yes.

Mr. McCLANAHAN.—Same objection.

Mr. FRANK.—Q. With respect to this work, do you know whether or not the “Hilonian” was a large or small vessel? A. A large vessel, sir. [162—74]

Q. Was there any other vessel at the dock during this time of her size?

A. No, not to my recollection.

Q. Well, you say, “not to your recollection.” Have you a recollection concerning it?

A. No, not of her size, positively not; not of her size.

Q. Not of her size? A. No.

Q. Now these castings that you have testified to in Libellant’s Exhibit No. 2, how are they made with reference to—are they made on a scale, particular size?

A. Particular size; and scale in some cases.

Q. Would they fit any other vessel?

A. Well, a small valve would fit another vessel, but the major portion of these castings would not.

Q. Well, the small valves that are in this, you

(Testimony of Francis Dolan.)

recognize them as a part, a necessary part of the whole work that you were performing, do you?

A. Yes.

Q. So outside of the particular numbers, from your knowledge of the nature of the work and the ships that were in the dock at the time you would know that that work would be for no other vessel than the "Hilonian"?

Mr. McCLANAHAN.—I object to that question as suggestive and leading, and not proper redirect examination.

A. Yes.

Mr. FRANK.—Q. You were asked yesterday concerning these tags, yellow slips, Exhibit No. 1, whether or not they were a duplication of any other entry in the tag-book, or rather the counsel said they are a duplication of another entry in the tag, and you said yes. By that what did you mean?

A. That my material—not my material but my cast-book is a [163—75] triplicate, one for myself, one for the foundry, and one for the office.

Q. Those are all made with one impression, are they not? A. With one impression.

Q. In other words, they are carbon copies, one writing? A. Yes.

Q. But the tags, Libellant's Exhibit No. 1, how are they made? A. These here?

Q. Yes.

A. They are the same way, that we tack on the end—the tag over here—and I just pull them out.

(Testimony of Francis Dolan.)

Q. I know, but when did you write them, the two sets of tags?

A. Usually the following morning, but sometimes I let two or three days pass with them before I would go back and fix them up.

Q. By fixing them up, you mean that they are still in the book alongside of the other tag, and you transferred the entry from one tag to the other tag; is that right? A. Yes. As I say, sometimes I let two days elapse.

Q. Before you made the entry?

A. Before I transferred them—that is the idea, before I make the entry.

Q. At the time you make the entry, though, have you the matter before you so as to— A. Yes.

Mr. McCLANAHAN.—I object to that as leading and suggestive.

Mr. FRANK.—I have not finished the question.

Q. (Contg.) —the matter before you so as to know the entry is correct? A. Yes, sir.

Mr. McCLANAHAN.—I still make the objection that it is leading and suggestive.

Mr. FRANK.—Q. When I say the “matter” I mean the material.

A. Yes, I know what you mean, Mr. Frank.
[164—76]

Q. That is the material would be there in the shop two or three days while you were working upon it.

A. Yes.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. When you finish the work you

(Testimony of Francis Dolan.)

make the entry? A. Yes; that is the idea.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. Have you the original tag-book for these yellow slips, Libellant's Exhibit No. 1?

A. I believe I have.

Q. Where are they?

A. I believe I have them in the shop. As I said before I destroyed a whole bunch of them last year. I don't know whether that is among them, but I believe I have them.

Q. Will you look them up and if you find them produce them at a subsequent hearing here?

A. Yes.

Mr. McCLANAHAN.—We make no point that they are not duplications.

Mr. FRANK.—All right.

Q. You were asked yesterday about a piston follower. Have you since made an examination to find out about that? A. Yes.

Q. That does not happen to be in these slips?

A. No, sir.

Mr. McCLANAHAN.—I object to that as leading and suggestive. I will ask that my objection go into the record before the answer. He answers right at the end of the question so I can't get my objection in before.

Mr. FRANK.—It is just as good. And I would suggest to you that I am going to recall the witness because I notice that there is one bill there that I have not got the detail of. I will recall him to prove that the piston follower is included.

(Testimony of Francis Dolan.)

Q. When the work comes to you, Mr. Dolan, I understood you on [165—77] your cross-examination to say it comes to you usually in the form of a sketch? A. Usually.

Q. With the detail, telling you what is to be done?

A. Yes.

Q. And that sketch has a number on of the job?

A. Yes.

Mr. McCLANAHAN.—I object to the questions as being suggestive and leading.

Mr. FRANK.—Wait until I finish.

Q. That has a number of on the job, and that is all that comes to you with respect to that particular piece of work?

Mr. McCLANAHAN.—Same objection.

A. Yes, sir.

Mr. FRANK.—Q. Or is that all, or is there anything else that comes to you with respect to that piece of work? I will put it in that form.

A. No; nothing else, sir.

Mr. FRANK.—I think that is all for the present, but I will have to recall Mr. Dolan. I have forgotten something here.

The WITNESS.—In reference to—

Mr. FRANK.—Wait a minute.

A. Mr. Frank—

Q. I do not want your suggestion.

A. It is no suggestion; it is about the job, I was going to answer.

Q. Well, if you have anything to say.

A. There are lots of cases where they will bring

(Testimony of Francis Dolan.)

a casting up and not the sketch—if you will understand, the casting would be sent, in that sense; that is all.

Q. But in this case that was not done, was it?

A. It might have been possible that they would bring some old casting from there up to my place, and I would have to make a duplicate or something; it might have been possible.

Q. How would that casting be identified?

A. Well, just simply with—I would make it from that; that is all. [166—78]

Q. I know; but with respect to number?

A. Oh, the numbers are always the same.

Q. But how would the casting be identified as to number?

A. It would simply be put *be put*, the number, on the casting; that is all. That is the invariable rule.

Q. You were asked yesterday regarding your memory regarding this lumber, and whether you could recollect the lumber that went in any other ship and you told of your memory of some lumber for some other work that you had for Mr. Diericx, and it was suggested that you take things that were not for the Matson Navigation Company. Was Mr. Diericx connected with the Matson Navigation Company at the time of that other work?

A. I believe he was.

Q. With the aid of the memorandum here, such as you have introduced, Exhibit No. 1, and Exhibit No. 2—or Exhibit 1 we are referring to now particularly, could you refresh your recollection so that

(Testimony of Francis Dolan.)

you could remember any other vessels the same as you have this?

Mr. McCLANAHAN.—I object to that as improper redirect examination.

A. Yes, I can.

Mr. FRANK.—Q. So your particular memory in this case is refreshed by these particular cards; is that it?

Mr. McCLANAHAN.—I object to that as leading.

A. Yes, sir.

Mr. FRANK.—That is all. You can take the witness now.

Recross-examination.

Mr. McCLANAHAN.—Q. Mr. Dolan, among the many suggestive questions put to you, which you answered in the affirmative, is the [167—79] following. It was suggested to you that each special piece of work has a number and you said yes. Are you quite positive now that you should have given an affirmative answer to that suggested question?

Mr. FRANK.—I object to that because the witness has already testified to that same fact on his cross-examination.

A. Yes.

Mr. McCLANAHAN.—Q. Each special piece of work? A. Yes.

Q. What do you mean by that?

A. Well, I suppose—suppose that you are on the ship and you brought it to me as coming off that ship, you would say, “Dolan, make me one of these; the number is so and so.” That is all; that is the invariable rule.

(Testimony of Francis Dolan.)

Q. You said each special piece of work was given a separate number? A. Yes, sir.

Q. Now, making bearing-boxes, that is a special piece of work, isn't it? A. Yes, sir.

Q. And that would be given a number?

A. Yes, sir.

Q. Making seat valves, that would be a special piece of work, wouldn't it? A. Yes, sir.

Q. That would be given a separate number?

A. It would have its own number whatever it was.

Q. You do not mean it would be given a number different from the bearing-boxes if the bearing-boxes and the seat valves were the same job?

A. No, not so.

Q. You do not mean that each special piece of work was given a separate number, do you?

A. Yes, I do.

Q. How can you reconcile that statement with my suggestion that bearing-boxes would be one special piece of work and the making of seat valves another special piece of work, and they would [168—80] not have special numbers if they were both the same job, although given to you on different occasions?

A. Yes, you could. I understand it this way. They would give you the special bearing-box with the number and they would give you the seat valve with a number, and they were both for the same job.

Q. And they would bear the same number, wouldn't they? A. Oh, no.

Q. Let us see. On August 26, you did bearing-box work, did you not? A. Yes.

(Testimony of Francis Dolan.)

Q. Look at it. You did work under 5295, didn't you?

A. You are not talking about an exceptional case?

Q. I am talking about the facts of this case, under 5295. A. Yes.

Q. Look at them. On August 30 you did valve seat work, didn't you, under the same number 5295?

A. That is possible.

Q. How do you reconcile that with your statement that you—

A. All those things are under that number.

Q. How do you reconcile that with your statement made on your redirect examination that each special piece of work is given a separate number?

A. All right; he would bring in the valve, and the special number in that case would be that number.

Q. That is, all work brought in under one job is given the same number, isn't it?

A. Under one job?

Q. Yes.

A. Well, provided it was a contract job.

Q. Contract job given the same number.

A. Yes, in that sense.

Q. And where it is extra it is given a separate number? A. Yes.

Q. I omitted to ask you, Mr. Dolan, on my cross-examination some questions which I want to ask you now. How many men were in your department during August and September, 1909? [169—81]

A. Well, to my recollection, it is as many names as you see there; but there may have been more—

(Testimony of Francis Dolan.)

but to my recollection as many names as you see there.

Q. By that you mean Shepard, Reichhold and Clifford?

A. And there was another one there—there was not another one there but I had an apprentice with me too.

Q. What was his name?

A. His name is Smith.

Q. What were his initials? A. Edward.

Q. Edward Smith? A. Yes.

Q. He however did no work on the “Hilonian” job? A. Well, that I just can’t call up now.

Further Redirect Examination.

Mr. FRANK.—Q. Now, what do you mean by contract job? Does anything come into your office marked “contract” or otherwise?

A. Sometimes there are.

Q. Well, in this case?

A. No, not in this case. I do not know what the contracts are, very seldom I do know.

Q. So as applied to this case, you do not know anything about any distinction between contract jobs and other jobs? A. No, sir.

Mr. McCLANAHAN.—I object to that as suggestive and leading.

Mr. FRANK.—Q. What do you mean by the term “one job”?

A. Well, they are going over an engine, and they come to a valve that is bad; they bring it out and they bring it up and they would tell me to make that

(Testimony of Francis Dolan.)

on a certain number, and there might be, we will say, on the rudder of the ship, a pintle that would be found out later on, and they might tell me to make that thing under another number; I have to do it as they tell me. [170—82]

Q. In other words, when you say “one job” you do not mean all the work that is done on one vessel?

A. No, sir.

[**Testimony of Robert Adamson for Libellant.**]

ROBERT ADAMSON, called for the libellant, sworn.

Mr. FRANK.—Q. Mr. Adamson, what is your occupation? A. At present foreman machinist.

Q. How long have you been occupied in the business of machinist? A. As a machinist?

Q. Yes.

A. Oh, I have been a machinist since 1877.

Q. How long have you been employed with the United Engineering Works in that capacity?

A. Since 1903; November 10, 1903, I went to work for the firm, and I have been working there steady ever since.

Q. Were you employed with them in 1909 at the time the “Hilonian” was being repaired?

A. Yes, sir.

Q. In your machine-shop, how does the work come to you and how is it parcelled out among the men?

A. Well, sir, an order, the printed order, is handed in to me from the office and a list of work that is to be done on a ship, and when the work is brought into the shop from the ship I compare, I take note of it,

(Testimony of Robert Adamson.)

and see if it is on the list, I place the number of the job on it and place it where it is going to be worked on, either to the lathe or bench, or whatever department it is to be worked on, it is placed there; I place it there after I place the number on it and check it up.

Q. Where do you get the numbers from?

A. From the office.

Q. In what way?

A. On a printed order, the number of it; on [171—83] every job that comes into the works there there is a separate number from that shop, every separate boat I mean.

Q. Every separate boat? A. Yes.

Q. May there be more than one number that comes with a boat? A. Quite possible; yes.

Q. Then how are these numbers supplied to you?

A. They are supplied from the office the same as the numbers all come to me from the office; that is the way we get all the numbers, the number of each job.

Q. That is, the office gives you a list of numbers applying to each particular job and you keep those and when the work comes in you put the number on the work.

A. Yes, sir. On the piece as it comes—all the pieces that come under the head of that number I place that number on. There may be two numbers; there may be a contract number on a boat, and there may be other work done not under contract; of course, that comes under two separate numbers.

Q. But whether contract or not, that detail is not given to you, is it? A. Not in every case.

Q. No? A. Not in every case.

Q. Now, of course in the shop there is the work from different ships? A. Yes, sir.

Q. Do you have a list of those numbers?

A. Yes; I have a printed list on my desk.

Q. And numbers for each particular—

A. Each ship.

Q. That is, if there is one number you have one number for the ship, and if there are several numbers you have the several numbers.

A. Several numbers, yes, and the different pieces are specified under that number, what jobs should be done, and [172—84] what pieces are to be worked on, and what part of the machinery is to be worked on; that all comes under the heading for that; you see it will be stated what part of the machinery is to be worked on under a certain number; well, all that part of the machinery that goes in that machine, that goes into the ship, is numbered according to that heading, under the heading of which it comes.

Q. After you number it, what do you do with it?

A. Get it delivered to the lathe, if it is to be turned, or planing-machine, or whatever machine it is to be worked on, it is put there and goes to the charge of the man that is to work on it.

Q. How is it put there, whether under your supervision, or how?

A. Yes, I tell the man in the shop to deliver it to

(Testimony of Robert Adamson.)

that machine, and I see that it is there, and I give the man his instructions about it.

Q. You give the man his instructions?

A. As to what is to be done.

Q. That is, the man at the machine?

A. Yes, sir.

Q. What do you do with respect to the time or noting the time that the man at the machine takes the job and the time when he finishes it?

A. I take note of when I give the man the job and I know when the job is finished, and the time it comes off that machine, and then I know what time he has been on it, I know how long it takes.

Q. Now, with respect to the material that goes into those jobs, state whether or not you keep account of that material.

A. Well, in the first instance, they want so much material for one job. They come to me and get an order for it. I inquire what [173—85] part of the machinery they are going to put that on, and I find out if that is going to be necessary, if it is necessary to have that, and then I give them an order for it, and they get the material then from the storeroom under my initials, and that is brought and put on the job.

Q. Well, do you superintend that to see that that goes on the job? A. All on the job.

Q. Now, I wish you to go through these tags here and select out those that you have given orders for. Now, perhaps as you go through you had better identify them by giving them the number, for instance,

(Testimony of Robert Adamson.)

C5950. A. The tag number?

Q. Yes.

A. All right. I recognize that right away. Those were used on the eccentric strap. I remember that perfectly well. There is my initials to it.

Q. It is in your handwriting?

A. Yes; that is my initials, and my handwriting.

Q. That is C5950. A. Yes.

Q. Go on. The next one, is that your signature?

A. That is my signature. That went on the job. I cannot recall the little bit that went on but that went on the job all right.

Q. What I want you now is to identify the tags that you gave the orders for, wherever your signature is, of course.

A. I can verify wherever my signature is the material was used for the work. It was under my supervision at the time, and I knew that was ordered at that time and used; and I ordered that and signed the card for it.

Q. That is C5955.

A. Yes. Those were used on the eccentric strap.
[174—86]

Q. Give the number.

A. C5956. Those were used on the thrusts.

Q. It is immaterial where they were used, if you know that the material was used on that.

A. Yes, that material was used on that job.

Q. On the "Hilonian."

A. Yes. C5957. There is my signature to it; that was used also; that was my signature to that.

(Testimony of Robert Adamson.)

Q. C5958?

A. Yes. That is my signature there; that went on too, C5961. That also went on the job, C5962. That is mine too, C5963; C5964, that also went on. That is also my signature, C5965. That is my signature there too, and that went on C5966; C5977; C5986; C5987. Mr. Putzar came personally about that order to me. I remember that personally. B6803, B6805, B7702; A1, A9, A12, A22, A28, A10, A31, A32, A34, A37, A41, A43, A44, A45, A47, A48, A49, A54, A63, A74, A75, A76, A77, A81, A92, A94, A95, A97, A1017, A1027, A1029, A1077, A1088, A1090, A1098, A1100, A1104, A1115, A1117, A1121, A1128, A1125, A1146, A1150, A1157, A1154, A1160, A1175, A1179, A1181, A1184, A1192, A1194, A1197, A1202, A1203. I wrote that order too, but I omitted to put my initials to it.

Q. Is it in your handwriting?

A. In my own handwriting, every bit of it.

Q. What is the number?

A. A1204, A1212, A1217, A1220, A1221, A1223, A1228, A1229, A1230, A1231, A1233, A1234, A1236, A1244, A1247, A1248, A1253, A1257, A1258, A1260, A1269, A1274, A1275, A1276, A1281, A1283, A1284, A1285, A1290, A1292, A1295, A1296, A1298, A1299.

(A recess was here taken until 2 P. M.) [175—87]

AFTERNOON SESSION.

ROBERT ADAMSON, direct examination resumed.

The WITNESS.—The next is A1300. There are none more there.

(Testimony of Robert Adamson.)

Q. Now, Mr. Adamson you have looked over each one of these sets of tags, and called off the numbers of those which were made out to you, is that right?

A. Yes, sir.

Q. When were those tags made out?

A. During the day-time; during the working day; during the time that the "Hilonian" was at the dock.

Q. That is on the day which they bear date?

A. Yes, sir. They were issued on that date. The material was issued by the storekeeper on the date on which the tags were made out.

Q. And brought where?

A. Brought to the machine-shop.

Q. And what did you do with it?

A. I saw that it was put on the jobs that were in the shop.

Q. How about weighing it. How was it weighed?

A. It was weighed in the storeroom and the weight marked down by the storekeeper.

Q. Did you weigh it?

A. I did not weigh it, what was issued in the store-room, but the material which was got out of the shop I weighed it personally, saw it and put the weight down.

Q. The material that went into the work in the shop you weighed yourself? A. Yes, sir.

Mr. McCLANAHAN.—I object to that as leading and suggestive. The witness did not say that. He said that which was weighed in the storeroom was weighed by somebody else; that which was weighed in the shop was weighed by himself. [176—88]

(Testimony of Robert Adamson.)

The WITNESS.—That is the way it stands.

Mr. FRANK.—Q. Whatever the fact is let us have it.

A. The material that was issued in the storeroom on these tags was weighed by the storekeeper and the weight put on the tags.

Q. And what material was it that you weighed?

A. The material that we keep in the shop in the shape of iron for studs, brass rods for studs, and one thing and another that was weighed by me personally, and the weight put on the tags. There is lots of material we do not keep in the shop that we get from the storeroom.

Q. I wish you had told me that before, then I would have had you distinguish them as you went over the tags. I am afraid you will have to go over it again.

A. That is very easily done. If you will give me the first lot of tags that I had I can show you them all right.

Q. Just give the numbers of those that were weighed in the storeroom, and the rest will be those that were weighed by you.

A. C5950 was weighed by me.

Q. Do not do that. Leave out those that were weighed by you and give us those that were weighed in the storeroom, then we will understand that the rest of them that you do not give were weighed by you.

Mr. McCLANAHAN.—Just give the numbers.

A. I will give the numbers of the ones that were not weighed by me, and were weighed in the store-

(Testimony of Robert Adamson.)

room. I think most of them are on the second bunch.

Mr. FRANK.—Q. You will have to go through them now and we will have to take our time with it.

A. (After examination.) There is nothing in that bunch. [177—89]

Q. Take the next bunch.

A. A9. The weight is given here as weight in the storeroom.

Q. What is that?

A. 4 sheets of tin 24 inches square, Russian iron, 5 pounds. It is the Russian iron that is weighed. They do not weigh the tin. It is given by the size. 20 by 28. A12, 8 pieces of No. 26, 4 inches by 72 inches, sheet iron, 11 pounds. A28, 1 piece of $\frac{1}{2}$ inch by 6 inches, round brass, 8 ounces. A31, 1 piece $\frac{5}{16}$ by 12 inches, round cold rolled steel, $\frac{1}{2}$ pound. A32, 1 piece $\frac{3}{16}$ by 12 inches, round brass.

Q. How much?

A. $\frac{1}{2}$ pound. There is a piece of $\frac{3}{16}$ by 12 inches, cold rolled steel included in that.

Q. Included in that $\frac{1}{2}$ pound?

A. Yes, sir. The 2 pieces are included in that $\frac{1}{2}$ pound.

Q. Rolled steel? A. Yes, sir.

Q. That is not the rolled steel you had first?

A. No, sir. That is altogether different. A34, 1 piece $\frac{1}{8}$ by $5\frac{1}{4}$ square sheet brass, $11\frac{1}{2}$ pounds. A41, 1 piece $\frac{3}{4}$ by 18 inches, round tobin bronze, 16 pounds. A45, 1 piece of $\frac{5}{8}$ by 36 inches, round bronze, $3\frac{1}{2}$ pounds. A54, 1 piece $\frac{1}{2}$ inch by 12 inches square cold rolled steel, $\frac{1}{2}$ pound. A63, 1

(Testimony of Robert Adamson.)

piece $\frac{1}{4}$ inch by 16 by 18 inches, sheet brass, $9\frac{1}{2}$ pounds. A94, 1 piece $\frac{3}{8}$ by 12 inches, round cold rolled steel, $\frac{1}{2}$ pound. A89, 1 piece $\frac{3}{8}$ by 6 inches, round cold rolled steel, $\frac{1}{4}$ pound. A1027, 25 pounds of rags. A1098, 1 piece No. 26 by 6 inches by $6\frac{1}{2}$, sheet iron, $\frac{1}{2}$ pound. A1115, 1 piece $\frac{1}{4}$ by $3\frac{1}{2}$ by 10 inches, sheet of brass, 3 pounds. 1 piece $\frac{3}{8}$ by 18 inches, round brass, $\frac{3}{4}$ pound. A1146, 5 pounds smooth-on. A1175, 1 piece of Russian iron, [178—90] 24 inches square, 5 pounds. A1194, 6 pieces of Russian iron, $3\frac{3}{8}$ by 6 feet 1 inch, 11 pounds. A1212, 1 piece $\frac{1}{4}$ by 20 inches, round cold rolled steel, 6 ounces. A1217, 1 piece $\frac{1}{16}$ by 5 inches by 16 inches, sheet brass, $2\frac{3}{4}$ pounds. 1 piece of Russian iron, 30 inches square, $6\frac{3}{4}$ pounds.

Q. The same number?

A. The same number. On the same order. A1229, 2 bars of solder, 3 pounds. A1231, 1 piece of $\frac{3}{8}$ by $1\frac{3}{4}$ inch, square cold rolled steel, 1 ounce. A1233, 1 bar of solder, $1\frac{1}{2}$ pounds. A1236, 1 piece No. 14 by $14\frac{1}{2}$ by 4 feet 6, sheet iron, 20 pounds. A1247, $6\frac{3}{4}$ hexagon brass nuts, $1\frac{1}{2}$ pounds. A1248, 1 piece of $2\frac{1}{2}$ by $17\frac{1}{2}$, round machine steel, 25 pounds. A1253, 1 piece $\frac{1}{16}$ by $16\frac{1}{2}$ inches, square King packing, $1\frac{3}{4}$ pounds. A1269, 1 piece 12 by $7\frac{1}{2}$ by 13 inches, sheet iron, 4 pounds. A1296, 2 pieces $\frac{1}{16}$ by $5\frac{1}{2}$ inches, square sheet brass, 1 pound. A1300, 2 pieces $\frac{1}{4}$ by $3\frac{1}{2}$ by $6\frac{1}{2}$, sheet brass, $2\frac{1}{2}$ pounds. That is all.

Q. All the rest, I understand you, was weighed by yourself? A. Yes, sir, weighed by myself.

(Testimony of Robert Adamson.)

Q. Who is the storekeeper? A. Mr. Roberts.

Q. What can you say, Mr. Adamson, concerning your knowledge at the time that these records were made of their correctness?

A. I will guarantee they were all correct, every card that I made out.

Q. And the material that went into that work?

A. And the material that went into that work.

Q. As you look over the records now do you recognize the material as material that went into that work? [179—91]

A. A great amount of it; most of it I can recognize as having gone into that work.

Q. From your present recollection as well?

A. Yes, sir.

Q. Now, Mr. Adamson, I show you a time-card, or a set of time-cards, with the name of C. Schmidt on them, and ask you to examine them and state whether or not those are the time-cards of one of the men working upon this job in the shop under your supervision.

A. Yes, sir. I recognize that all right. That man worked at a lathe in the machine-shop. That is all machine work.

Q. State whether or not you kept this man's time and checked it up. A. Yes, sir.

Q. On this card?

A. Yes, sir, you will find my check on all these cards. You will find my check against every item down, checked every day.

Q. That is you took and saw that the card was

(Testimony of Robert Adamson.)

right with respect to the man, the number of the job, the hours of the work and the articles worked on, is that right?

Mr. McCLANAHAN.—I object to that as leading and suggestive.

A. That is right.

Mr. FRANK.—Q. What did you do with these cards. After you checked them what did you do with them?

A. I turned them over to the timekeeper.

Q. That is in the office?

A. In the office I had no more to do with them after that.

Q. I notice here on the card of September 18th, the job No. 5398 and the “98” in red ink; what, if anything, have you to say in [180—92] explanation of that?

A. For this reason. I discovered that he put the wrong number on the job at the time I was checking it over. He put the wrong number on the job he was working on. I checked it at the time and the timekeeper while I was there marked it with red ink to my order.

Q. To your order? A. Yes, sir.

Q. Were you present when that change was made?

A. I was present when that was changed. It is only under my instructions that he will change that.

Q. Does that apply to all the cards where changes of that sort are made in your department?

A. As far as I know, I never knew them to alter the cards without my knowledge.

(Testimony of Robert Adamson.)

Q. They do alter them with your knowledge and your statement? A. Yes sir.

Q. That is the result of your checking up?

A. Yes, sir.

Mr. FRANK.—I will just have this marked “Adamson No. 1.”

Mr. McCLANAHAN.—We object to the offer as incompetent, irrelevant and immaterial, hearsay and self-serving.

(The cards are marked Adamson No. 1.)

Mr. FRANK.—Q. I have here another batch of cards C. Schmidt, dated September first, second, third, fourth, tenth and eleventh. Kindly examine those. (Handing.)

A. They were all checked off at the time and I guarantee they are according to the time that he worked, and the jobs that he was working on. They were all checked off by me at the time.

Q. You knew them to be correct at the time that the entries were made? A. Yes, sir.

Q. What you have stated concerning the cards marked “Adamson [181—93] No. 1,” all applies to these cards?

A. Applies to these cards the same. They were all checked off and found correct when they were checked off.

Mr. FRANK.—I will ask to have these cards marked “Adamson No. 2.”

Mr. McCLANAHAN.—I make the objection that the offer is incompetent, irrelevant and immaterial,

(Testimony of Robert Adamson.)

hearsay and self-serving, not binding on the respondent.

(The cards are marked Adamson No. 2.)

Mr. McCLANAHAN.—May I ask a question?

Q. This last exhibit, "Adamson No. 2," the man is the same man as Adamson No. 1, is he not? The same man is it?

A. It is a different bunch of cards he is referring to.

Q. But it is the same man? A. The same man.

Mr. FRANK.—They are different dates.

Q. Now, I hand you a batch of cards bearing date, September twelfth, thirteenth, seventeenth, eighteenth and nineteenth, with the name of John Benson. Just examine those cards and tell us whether or not they are the cards of a man working on that job on the "Hilonian" at the time there mentioned, and whether or not the number of hours, the numbers of the jobs, and the nature of the work are truly entered there?

A. The number of the jobs, and the time given on the number is all right. [182—94]

Q. I forgot to ask you concerning Adamson No. 1 and No. 2, whether the entry of the occupation is right also? A. Yes, sir.

Q. Machinist?

A. Yes, sir, machinist. He is a machinist. He is a drill-press man; a machinist; he works the drill-press.

Q. He is the machinist that works the drill-press?

A. Yes, sir.

(Testimony of Robert Adamson.)

Q. These cards were written up by you at the time? A. Yes, sir, and found correct.

Q. And found correct? A. Yes, sir.

Q. And so handed in to the office?

A. And so handed in to the office.

Mr. FRANK.—I will ask that that be marked Adamson No. 3.

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 3.")

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on the respondent.

Q. I now hand you the cards under date of August 31st, September 1st, September 2d, September 3d and September 4th, also under the name of John Benson, and ask you to examine them and state whether or not they were cards of a man working under you on that job, and whether the job numbers, time and nature of the work are correctly entered upon the cards and checked up by you at the time that the work was done (handing)?

A. Yes, sir, they were all written up according to the time [183—95] that I found on them at the time.

Q. And at the time you knew them to be correct?

A. Yes, sir.

Q. This man was also a machinist working on the drill?

A. It is the same man as was on that former

(Testimony of Robert Adamson.)

package of cards. He still works on it.

Mr. FRANK.—I ask that that be marked Adamson No. 4.

Mr. McCLANAHAN.—I make the same objection, incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Adamson No. 4.”)

Mr. FRANK.—Q. I now show you cards bearing the name of Philip Mockel, under date of August 31st, September 8th, September 9th and September 11th, and ask you whether or not the same thing that you have testified to as to the previous cards applies to them?

A. Yes, sir. They are the same as the others. I say the same thing about them as the others.

Q. And you knew them to be correct at the time that they were made? A. Yes, sir.

Q. I notice on the card of August 31st of Mockel, a notation in black ink underneath the number of hours. Will you look at it and tell us what that means?

A. That is out of my jurisdiction. I check off the straight time, and the timekeeper adds the overtime. That is the overtime in pencil there.

Q. In other words, it is the practice for you to turn in all time as straight time?

A. As straight time.

Q. Then if there is overtime worked the timekeeper makes the addition?

A. It is marked “overtime” by the man who writes it out, but he only puts straight time on it.

(Testimony of Robert Adamson.)

We are not allowed to do that. That is the rule that is printed on the back of the card. [184—96]

Q. It says "overtime" here?

A. Yes, sir, it is the actual time he did work.

Q. What is the overtime allowed to a man in your department? A. In the shop?

Q. Yes.

A. From quitting time at half-past 4 up to 12 o'clock, it is a time and a half. From 12 o'clock up to starting time in the morning it is double time.

Q. You turn in for straight time, and he adds to it the proportion in the manner in which you have just indicated?

A. Exactly; that is the way it is done.

Mr. FRANK.—We ask to have that marked "Adamson No. 5."

Mr. McCLANAHAN.—I make the objection that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 5.")

Mr. FRANK.—Q. Now, I have here another batch of cards of P. Mockel, dated September 12th, 13th, 14th, 15th, 17th, 20th and 21st, and ask you to examine them and indicate whether or not they were made and checked up and handled by you in the same manner as the other cards already testified to?

A. There is one card there which I have not checked off. He worked on a Sunday when I was not there to check it up. All the others I can vouch for.

Q. Which card is that? A. That first card.

(Testimony of Robert Adamson.)

Q. September 12th?

A. This one here (pointing). He either worked on a Sunday or a holiday. I do not know what date that came in, but I was not there to check it off.

Q. Did it pass through your hands at all?

A. No, sir, that has never passed through my hands; at least if it did I did not check it because I could not guarantee [185—97] that he had been there and I would not check it. Probably I did not get the card and may not have been there that day. Probably I went over it, but that is one that I would not guarantee, and it is the only one.

Q. It could not get to the office except through your hands, could it? A. I beg pardon.

Q. It would not go to the office except through your hands?

A. It would go to the office if it was work on a Sunday. It would be collected on Sunday night and put in the office. It would be the Saturday cards that I would check off, or Saturday night cards that I would check off Monday morning the first thing.

Q. Where is Mockel?

A. Mockel came into the employ of the firm this morning again. I put him on to work before I came over this morning. He has been away for some 18 months working at other places.

Q. How did he come there? Just came there and applied for work?

A. Just came there and applied for work.

Q. And you put him on? A. Yes, sir.

(Testimony of Robert Adamson.)

Mr. FRANK.—I guess we will get Mockel here unless Mr. McClanahan is willing to accept that on the same basis as the others.

A. These holidays they worked on that boat; that was mostly on the boat, and I had nothing to do with that. I did not check the time for that.

Mr. McCLANAHAN.—Q. How do you identify this September the 12th card as being one that you did not check up?

A. There is no check mark on it.

Q. Where is your check mark on the others?

A. There it is (pointing).

Mr. FRANK.—You can cross-examine him afterwards. [186—98]

Mr. McCLANAHAN.—I do not think we will ask you to call Mr. Mockel.

Mr. FRANK.—We may consider this as having been identified as the rest of them?

Mr. McCLANAHAN.—Yes.

Mr. FRANK.—We ask that this be marked Adamson No. 6.

Mr. McCLANAHAN.—We object to the offer on the ground of its incompetency irrelevancy, immateriality, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 6.")

Mr. FRANK.—Q. Now, I hand you a set of time cards with the name of John P. Wojdacki, dated September 22d, September 14th, 15th, 17th and 21st, and ask you to examine them and state whether they are subject to the same testimony that you have given

(Testimony of Robert Adamson.)

with respect to the other cards as to the manner in which they have been checked up and as to their authenticity.

A. Yes, sir, I say the same about them.

Q. You know these to be correct at the time that you passed them into the office; is that right?

A. Yes, sir, that is right.

Mr. FRANK.—I will ask that this be marked Adamson No. 7.

Mr. McCLANAHAN.—The same objection that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Adamson No. 7.”)

(An adjournment is here taken until to-morrow, Thursday morning, August 17th, 1911, at 9:30 o'clock.) [187—99]

Thursday, August 17th, 1911.

ROBERT ADAMSON, direct examination resumed.

Mr. FRANK.—Q. Now, Mr. Adamson, did you last night after the adjournment take these cards and go over each one of them to ascertain whether or not they were correct, and were cards that were checked up by you for the man upon this particular work?

A. Yes, sir; I went over every one of them last night before I left here.

Mr. McCLANAHAN.—I do not know what cards you are referring to.

Mr. FRANK.—I am going to identify them, Mr. McClanahan.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Is he referring to cards he went over yesterday in the case?

Mr. FRANK.—No. Last night after we adjourned—I told you if we adjourned we would be able to expedite this thing, instead of having the witness go over and examine the cards as he did yesterday, as it took so much time—after we adjourned last night I had him sit down and take the cards and go over them.

Mr. McCLANAHAN.—There have been examined the cards of four men, and seven exhibits have been introduced in evidence. Does the witness in his answer refer to other cards than those?

Mr. FRANK.—Yes; the cards I am going to take up now. I will take them in detail, and we will have him identify them as we go along.

Q. I now present to you a time-card with the name of D. Stimmel, dated August 29th, August 30th, August 31st, September 1st, September 2d, September 3d, September 8th, September 9th, September 11th, September 12th and September 13th, and ask you [188—100] if you have examined those cards, and if you have, to state whether or not those are the cards of a man employed in your department at the time therein stated on the work therein stated, and whether or not you checked up the time, job numbers, and jobs, as in the other cases, and believed them to be correct at the time, and passed them into the office in the same manner as you have testified respecting the other cards?

A. Yes, sir, I examined all these last night, and

(Testimony of Robert Adamson.)

declare they were correctly checked off at the time, and that man worked on jobs all that time, and I checked off his cards every morning.

Q. Checked them off in the manner I have indicated in my question? A. Yes, sir.

Mr. FRANK.—I ask that that be marked “Adamson No. 8.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The card is marked “Adamson No. 8.”)

Mr. FRANK.—Q. I now hand you the time-cards of George Driscoll, dated August 27th, August 30th, August 31st, September 1st, September 8th and September 11th, and ask you whether or not those cards are the cards of a man working in your shop at that time, and whether the time, the job numbers and the nature of the work were checked up by you in the same manner as the others, and known by you to be correct at the time that you checked them up, and passed by you into the office?

A. Yes, sir, every one.

Q. And all other testimony respecting the other cards applies to this as well?

A. Applies to this set of cards.

Q. To each of these sets of cards?

A. Yes, sir. [189—101]

Mr. FRANK.—I ask to have that marked “Adamson No. 9.”

Mr. McCLANAHAN.—I object to the offer on the

(Testimony of Robert Adamson.)

ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked "Adamson No. 9.")

Mr. FRANK.—Q. I now hand you time-cards of Willie Zaddart. Before we go on with him, let me ask you this: Take "Adamson No. 9," the occupation of George Driscoll was what?

A. He was a machinist in the machine-shop, and he alternately worked at the machine and on the floor, either a floor or machine hand.

Q. Was he a full machinist or what?

A. He was an apprentice machinist, and I think in his last year. They get all the branches of the trade in the shop. They work on the machine and they work on the floor just as they are required.

Q. The same as a full machinist?

A. The same as a full machinist.

Q. Do the same work? A. Do the same work.

Q. And Stimmel, I noticed his occupation is not marked on the card.

A. He is working on the floor.

Q. "Adamson No. 8"?

A. Yes, sir. He is working on the floor most of the time; he gets on the machine once in a while.

Q. What is he rated as in the work, what occupation? A. An apprentice machinist.

Q. An apprentice machinist? A. Yes, sir.

Q. He stands in the same category—

A. In the same category as Driscoll.

Q. Now, we will take up Willie Zaddart, dated

(Testimony of Robert Adamson.)

August 30th and 31st, [190—102] September 1st, September 2d, and September 3d, and ask you if you have examined those cards, and whether or not they are subject to the same testimony that you have already given respecting the other cards, as to a man working in your department on your work, and whether you checked up his time, job numbers, and work that he was on, and found it to be correct at the time before you passed it in?

A. Just the same; I checked them off at the time as being correct.

Q. And so far as his occupation is concerned?

A. He is a machinist.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 10.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 10.”)

Mr. FRANK.—Q. I show you a card of Howard Beneleit, dated September 8th.

A. Yes, sir; that is checked off as correct.

Q. Correct? A. Yes, sir; by me.

Q. He worked in your department?

A. Yes, sir, in my department, as a machinist.

Mr. FRANK.—I ask to have this card marked “Adamson No. 11.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompe-

(Testimony of Robert Adamson.)

tent, hearsay, self-serving, and not binding on the respondent.

(The card is marked "Adamson No. 112.") [191—103]

Q. I now hand you a time-card of Alfred Boyer; is that the right name? A. Yes, sir.

Q. Dated August 24th, 25th, 26th, 27th and 28th, and ask you if you have examined that, and whether that is the card representing the time of that man in your department during the time indicated and checked up by you, the time kept by you the same as the rest of them, and the job numbers, hours of work, and articles worked on, and found by you to be correct and so certified at the time the work was done?

A. I found them to be correct. They were correctly checked off at the time.

Mr. FRANK.—I ask to have these cards marked "Adamson No. 12."

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked "Adamson No. 12.")

Mr. FRANK.—Q. I now hand you the cards of Alfred Boyer under date of September 12th, 13th, 14th, 15th, 16th, 17th and 19th, and ask you if you have examined them, and whether they are subject to the same testimony as the other cards respecting your keeping of the time, checking them up, job number, hours worked, articles worked on, and your knowledge of their correctness at the time they were

(Testimony of Robert Adamson.)

made and handed into the office?

A. Yes, sir; I make the same statement in regard to these.

Mr. FRANK.—I ask to have these marked “Adamson No. 13.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 13.”) [192—104]

Mr. FRANK.—Q. I now hand you some more cards of Alfred Boyer under date of August 29th, 30th, 31st, September 1st, September 2d, September 3d, September 4th, September 5th, September 6th, September 7th, September 8th and September 9th, and ask you whether you have examined those and whether or not they are the time-cards of that man working in your department at the time stated, whose time you kept and checked up, the job numbers, the hours worked, the articles worked on, and knew them to be correct at that time when you handed them into the office?

A. Yes, sir. I knew them to be correct when they were handed into the office, and they were checked off by me and were handed into the office.

Q. Are all these men machinists?

A. All machinists.

Mr. McCLANAHAN.—All what men?

Mr. FRANK.—Q. All in your department?

A. Not all in my department. They were helpers.

(Testimony of Robert Adamson.)

Q. This man is also a machinist?

A. He is a machinist.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 14.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 14.”)

Mr. FRANK.—Q. I now hand you the time-cards of H. Strangyan. Is that the name? Look at it yourself. Do you know the man? Here is another one. A. I know the man personally.

Q. See how he spells his name. Here is one. It is S-t-r-o-w-e-n-j-a-n-s, H. G., under date of August 27th and August 28th, and ask you whether or not those are the cards of a man in your [193—105] department working upon this job at the time indicated, that the job numbers, hours worked, and articles worked on were checked up by you at the time, then known by you to be correct, and so handed into the office by you?

A. Yes, sir, they were correct.

Q. Not only correct, but all the rest of the matter also? A. Yes, sir.

Mr. McCLANAHAN.—I object to that as leading. I think it is correct; it covers the whole thing.

Mr. FRANK.—I do not want to have any question about it, whether it covers it or not. If you admit that it covers it, that is all.

Mr. McCLANAHAN.—I do not want you to

(Testimony of Robert Adamson.)

testify; that is the point.

Mr. FRANK.—I am not testifying. You can very readily understand I am saving time. If you want to encumber the record by my asking the questions on each one so as to make sure, I can do it.

Mr. McCLANAHAN.—You asked him the question and he said yes; that covers it. I do not see the necessity for anything else.

Mr. FRANK.—Very well.

I ask that these cards be marked “Adamson No. 15.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, incompetent, immaterial, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 15.”)

Mr. FRANK.—Q. Here is another series of cards of the same man dated September 12th, 13th and 14th. I ask you whether you have examined those cards?

A. Yes, sir, I have examined them, [194—106] and declare they were correctly checked off by me.

Q. They were checked off by you at the time?

A. Yes, sir.

Q. The job numbers, the hours worked, the articles worked on, and were then known by you to be correct? A. Yes, sir.

Q. And so handed in by you to the office?

A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 16.”

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Adamson No. 16.”)

Mr. FRANK.—Q. I now hand you the cards of the same man under dates of August 29th and 30th, September 1st, September 2d, September 3d, September 4th, September 5th, September 6th, September 8th, September 9th, September 11th and September 14th, and ask you whether those are the cards of a man that worked in your department on this job during the times indicated, and whether or not you checked up the job numbers, the hours worked, articles worked on, at the time, and knew them to be correct, and as such passed them in to the office?

A. Yes, sir, they were checked off by me as being correct and turned in to the office.

Q. What was the occupation of that man?

A. Machinist.

Mr. McCLANAHAN.—By that man, you mean Strowenjans?

Mr. FRANK.—Whatever his name is.

I ask to have these cards marked Adamson No. 17.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent. [195—107]

(The cards are marked “Adamson No. 17.”)

Mr. FRANK.—Q. I now show you the time-card of C. W. Higgins, dated August 27th.

(Testimony of Robert Adamson.)

A. Yes, sir, that was correctly checked off.

Q. And I ask you if that is the man who worked in your department during that time, and if you kept his time, checked off his job numbers, hours worked, articles worked on, and found them to be correct at that time, and so handed in to the office?

A. Yes, sir.

Q. What was his occupation?

A. Machinist's apprentice.

Q. In the same category as the other apprentices that you have testified to? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 18.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked "Adamson No. 18.")

Mr. FRANK.—Q. I now show you the cards of C. W. Higgins under date August 30th, 31st, and September 6th.

A. Yes, sir. That card was written out by that man and checked off by me as being correct.

Q. And known to be correct by you at the time it was handed in to the office? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 19.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(Testimony of Robert Adamson.)

(The cards are marked "Adamson No. 19.")
[196—108]

Mr. FRANK.—Q. What was Higgins' occupation? A. Machinist's apprentice.

Q. I now hand you the time-cards of G. Martioli under date of August 26th, 27th and 28th, and ask you whether or not those cards are correct, checked up by you, in the same way and known by you to be correct at the time and passed into the office?

A. Yes, sir, they were checked by me and handed in to the office as being correct at the time, the correct numbers at the time marked on each.

Q. The correct job numbers, hours worked, and articles worked on? A. Yes, sir.

Q. What was his occupation?

A. He was a machinist's helper.

Q. Machinist's helper? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 20.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 20.")

Mr. FRANK.—Q. I have here the time-cards again of G. Martioli under date of September 12th, 13th, 15th, 16th, 18th, 19th, 20th and 21st, apparently two, and ask you whether or not those are the time-cards of that man, checked up by you in the manner in which you have already testified as being correct, and known by you to be correct at the time, and

(Testimony of Robert Adamson.)

passed in to the office?

A. They were all checked off by me at the time and found to be correct according to the numbers and jobs too.

Q. I notice here what appears to be two September 21st cards. [197—109]

A. Yes, sir; they were checked off by me. There is some discrepancy in the dates in these two cards which at the present time I cannot recall how it could happen, but it is there and has been checked off.

Q. You knew they were right at the time?

A. Yes, sir; they were right at the time. They are not both for the same one date. There is some mistake in the date there.

Q. That is what I am trying to get at. I notice the date on one has been changed by lead pencil.

A. Yes, sir.

Q. Is that your change?

A. That is not my changing.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 21.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 21.”)

Mr. FRANK.—Q. I now show you some time-cards of G. Martioli under dates of August 30th and 31st, September 2d, 3d, 4th, 6th, 8th, 9th, 10th, 11th, 14th and 24th, and ask you whether or not those

(Testimony of Robert Adamson.)

are the cards of a man working in your department at the time indicated, and the time, job numbers, hours worked and articles worked on, kept by you and found by you to be correct at the time and handed in?

A. Yes, sir. One card there is signed by Allen. He was working for the blacksmith. I sent him to the blacksmith-shop that day and he was helping the blacksmith all day, and his card was signed by Allen.

Q. And returned to you?

A. And returned to me.

Q. That is the card of September 24th?

A. Yes, sir, the last one. [198—110]

Q. Mr. Allen checked up his time?

A. Yes, sir, he checked up his time and signed for it before the card came to me.

Q. With that exception all the other cards are cards that were kept at the time and checked up, the job numbers, the hours worked and articles worked on, and known by you to be correct at the time they were passed in? A. Yes, sir.

Mr. FRANK.—I think I will take that one out of this lot and ask that the rest of them be marked Adamson No. 22, and the Allen card marked Adamson No. 22½.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 22" and "Adamson No. 22½.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. Now, I show you the time-cards of William Hay under dates of September 13th, 14th, 16th, 20th and 21st, and ask you whether or not those are the cards of a man working in your department at the times indicated, and if you kept the time, checked up the job numbers, hours worked and articles worked on, and so passed it in the office as correct, knowing it to be correct at the time that you did so? A. Yes, sir.

Q. What was the occupation of that man?

A. Crane-man; he worked on the electric crane.

Q. How did he rank, as a machinist, or has he a special rank?

A. He has a special rank of his own; he is above a helper and under a machinist; between the two. That is a special job, to run this electric crane.
[199—111]

Mr. FRANK.—I ask to have these cards marked Adamson No. 23.

Mr. McCLANAHAN.—I object to the offer on the ground that it is immaterial, irrelevant and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 23.”)

Mr. FRANK.—Q. I now show you a set of time-cards of William Hay under date August 29th, 30th, and 31st, September 1st, September 2d, September 3d, September 4th, September 5th, September 6th, September 7th, September 8th, September 9th and September 10th, and ask you whether or not those are the cards of a man working under you on the

(Testimony of Robert Adamson.)

dates mentioned, whose time you kept, and whether you checked up his job number, his hours worked, and articles worked on, and knew these cards to be correct at that time and passed them into the office?

A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 24.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 24.”)

Mr. FRANK.—Q. I now show you the time-cards of William Hay dated August 25th, 26th, 27th, and 28th, and ask the same questions of you as the one preceding.

A. My answer is the same in regard to that.

Q. Known by you to be correct at the time they were passed in? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 25. [200—112]

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 25.”)

Mr. FRANK.—Q. I now show you the time-cards of James McDonald under date of August 26th, 27th, 28th, 30th, and 31st, September 1st, September 2d, September 3d, September 4th, September 7th, September 8th and September 9th, and ask you whether

(Testimony of Robert Adamson.)

they are cards of a man working in your department at that time, whose time you kept, and if you checked these up as to job numbers, hours worked and articles worked on at the time, and knew them to be correct, and as such passed them into the office?

A. The same as the others; he is a machinist's helper.

Mr. FRANK.—I ask to have these cards marked Adamson No. 26.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 26.")

Mr. FRANK.—Q. I now hand you the time-cards of James McDonald September 12th, 13th, 18th and 20th, and ask you if that was a man working in your department at the times indicated whose time you kept, and whether you checked up the job numbers, hours worked, articles worked on, and knew them to be correct at the time and so passed them into the office? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 27.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving [201—113] and not binding on the respondent.

(The cards are marked "Adamson No. 27.")

Mr. FRANK.—Will it be understood that the same questions are intended to be asked each time,

(Testimony of Robert Adamson.)

and that the witness' answer, saying yes, is an answer affirming the facts the same as if I specifically put the questions to him?

Mr. McCLANAHAN.—Certainly. Will you agree, if I say, "the same objection"?

Mr. FRANK.—Yes.

Q. I now show you the time-cards of James Kasener under date of August 31st, September 5th, September 6th, September 7th, September 9th, September 11th, September 2d, and August 31st, and ask you the same questions as before.

A. Yes, sir, they are all correct.

Q. I notice that there are two cards dated August 31st.

A. He worked in the morning the first half of the day, and was told he was to work all night. He went home in the afternoon and came back at night, and that is his second card for the same day.

Mr. FRANK.—I ask to have these cards marked Adamson No. 28.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 28.")

Mr. FRANK.—Q. I now hand you some more cards of James Kasener under date of September 12th, 13th, 14th, 15th, 17th, 19th and 21st.

A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 29.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 29.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I now hand you the time-cards of W. L. Megow under date of September 3d, 4th, 8th, 10th and 11th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 30.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 30.”)

Mr. McCLANAHAN.—I wish you would put in the occupation of these men.

Mr. FRANK.—If I am not sure about it, I ask that, but it is on the card.

Mr. McCLANAHAN.—Kasener and Megow are the only ones you have omitted.

The WITNESS.—They are machinists, both.

Mr. FRANK.—Q. Mr. Adamson, you might name the occupation as you go along. A. All right.

Q. I now show you two cards of W. L. Megow dated September 16th and September 18th.

A. Yes, sir. They are the same.

Mr. FRANK.—I ask to have these cards marked Adamson No. 31.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 31.”)

Mr. FRANK.—Q. I now show you the card of Charles A. Wilson, dated September 12th.

A. He is a machinist. That is all correct.

Mr. FRANK.—I ask to have these cards marked Adamson No. 32.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 32.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I now show you the cards of Charles A. Wilson under date of September 1st, 6th and 9th, and ask you the same questions as before.

A. He is the same man. That [203—115] is correct.

Mr. FRANK.—I ask to have these cards marked Adamson No. 33.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 33.”)

Mr. FRANK.—Q. I now show you the cards of John P. Wojdacki under date August 30th and 31st, September 1st, 2d, 3d, 5th, 6th, 7th and 8th, and ask you the same questions as before.

A. He is a machinist. My answer is the same.

Mr. FRANK.—I ask to have these cards marked Adamson No. 34.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 34.”)

Mr. FRANK.—Q. I now show you the time-cards of F. L. Fleming under date of September 8th, 10th and 11th, and ask you the same questions as before.

A. He is a machinist; the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 35.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 35.”)

Mr. FRANK.—Q. I show you now some more time-cards of F. L. Fleming dated September 13th, 14th, 15th, 16th and 17th, and ask you the same questions as before. A. The same answer.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have these cards marked Adamson No. 36.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 36.”)

Mr. FRANK.—Q. I show you a set of time-cards of Rudolf Shafer, dated August 30th, September 1st, September 5th, September 6th and September 10th, and ask you the same questions as before.
[204—116]

A. He is a machinist; I make the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 37.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 37.”)

Mr. FRANK.—Q. I show you now a set of time-cards of C. F. Peaslee, under date of September 7th, 8th, and 10th, and ask you the same questions as before.

A. He is a machinist. I make the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 38.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 38.”)

Mr. FRANK.—Q. I show you a set of time-cards of Joe Larrando dated September 12th, 13th, 14th, 15th, 16th, 17th, 20th and 21st, and ask you the same questions as before?

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 39.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 39.”)

Mr. FRANK.—Q. I show you another set of time-cards of Joe Larrando under date of August 31st, September 1st, 2d, 3d, 4th, 7th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 40.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 40.”)

Mr. FRANK.—Q. I show you a time-card of A. B. Watson dated September 15th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 41. [205—117]

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 41.”)

Mr. FRANK.—Q. I show you this card of A. B. Watson dated September 8th, and ask you the same questions as before.

A. The same answer. He is a machinist.

Mr. FRANK.—I ask to have this card marked Adamson No. 42.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 42.”)

Mr. FRANK.—Q. I show you a set of cards of C. Chaquette under date of August 30th and 31st, September 1st, 2d, 3d, 4th, 10th, and 11th, and ask you the same questions as before.

(Testimony of Robert Adamson.)

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 43.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 43.”)

Mr. FRANK.—Q. I show you another set of time-cards of C. Chaquette under date of September 13th, 14th, 15th and 16th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 44.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 44.”)

Mr. FRANK.—Q. I show you a set of time-cards of V. Williams, dated August 30th, 31st, September 1st, 8th, 13th, 14th 15th, 16th, 17th, 18th, 20th and 21st, and ask you the same questions as before.

A. He is a machinist; the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 45.

Mr. McCLANAHAN.—The same objection.
[206—118]

(The cards are marked “Adamson No. 45.”)

Mr. FRANK.—Q. I show you a set of time-cards of J. B. Pennycott, dated September 12th, 13th, 14th, 15th, 17th, 18th and 20th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 46.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 46.”)

Mr. FRANK.—Q. I show you another set of time-cards of J. B. Pennycott under date of August 30th, 31st, September 1st, 2d, 4th, 5th, 6th, 7th, 9th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 47.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 47.”)

Mr. FRANK.—Q. I show you a set of cards of John C. Mello, dated September 13th, 19th, 20th, 21st and 26th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 48.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 48.”)

Mr. FRANK.—Q. I can show you another set of cards of John C. Mello, dated August 27th and 28th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 49.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 49.”)

[207—119]

Mr. FRANK.—Q. I show you another set of cards of John C. Mello dated August 30th, 31st, September 2d, 4th, 5th, 6th, 8th, 9th, 10th, 10th, and

(Testimony of Robert Adamson.)

11th, and ask you the same questions as before. Examine the two September 10th's and explain.

A. The same answer. I make the same remark in regard to that as I did to the other ones of the two dates.

Q. What is that?

A. There must have been some change made in the dates. They are both of one date there. That is not my alteration in pencil.

Q. The lead pencil alteration, the one that is blurred? A. Yes, sir; it is not my alteration.

Q. At the time the cards went in you knew it was correct for that day in which it went in?

A. Yes, sir, it was marked off there.

Q. Just examine the one that was September 3d, and changed to the 10th, and the one of September 4th with the articles worked on and see if that will explain the cards.

A. It does explain it. In my opinion that should be September 3d instead of September 10th.

Q. That is the original number on there was correct? A. Yes, sir.

Q. And the change in lead pencil was wrong.

A. Yes, sir. He was working on the eccentric strap on the 3d and 4th.

Q. The one here that is marked by the machine stamp was September 3d should not have been changed? A. Should not have been changed.

Mr. FRANK.—I ask to have these cards marked Adamson No. 50.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.
[208—120]

(The cards are marked “Adamson No. 50.”)

Mr. FRANK.—Q. I now show you a set of time-cards of J. L. Chandler dated August 28th, September 16th, 17th, 19th, 20th and 21st, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 51.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 51.”)

Mr. FRANK.—Q. I show you another set of cards of J. L. Chandler dated August 30th, 31st, September 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th and 11th, and ask you the same questions as before.

A. They are all correct.

Mr. FRANK.—I ask to have these cards marked Adamson No. 52.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 52.”)

Mr. FRANK.—Q. I show you a set of cards of W. V. Thomas, dated September 1st, 5th, 6th, 7th, 8th, 9th, and 10th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 53.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 53.”)

Mr. FRANK.—Q. I show you another set of cards

(Testimony of Robert Adamson.)

of W. V. Thomas, dated September 12th, 15th, 19th, and 21st, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 54.

Mr. McCLANAHAN.—The same objection. [209—121]

(The cards are marked “Adamson No. 54.”)

Mr. FRANK.—Q. I show you another set of cards of W. V. Thomas, dated August 25th, 26th, 27th, and 28th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 55.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 55.”)

Mr. FRANK.—Q. I show you now a set of cards of J. Sucher, dated September 1st, 3d, 4th and 8th, and ask you the same questions as before.

A. He is a machinist. I make the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 56.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 56.”)

Mr. FRANK.—Q. I show you another set of cards of J. Sucher dated September 13th, 14th, 15th, 16th, 20th, 21st and 22d, and ask you the same questions as before? A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 57.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 57.”)

Mr. FRANK.—Q. I show you a set of cards of Fenton Young dated September 1st, 2d, 3d, 5th, 6th, 7th, 10th and 11th, and ask you the same questions as before? A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 58.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 58.”)

[210—122]

Mr. FRANK.—Q. I show you another card of Fenton Young dated August 28th and ask you the same questions as before? A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 59.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 59.”)

Mr. FRANK.—Q. I show you another set of cards of Fenton Young dated August 15th, 16th and 17th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 60.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 60.”)

Mr. FRANK.—Q. I show you a card of Gus Albers under date of September 12th and ask you the same questions as before.

A. He is an apprentice machinist. That is correct.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have this card marked Adamson No. 61.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 61.”)

Mr. FRANK.—Q. I show you another card of Gus Albers dated September 28th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 62.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 62.”)

Mr. FRANK.—Q. I show you a set of cards of David Doig, Jr., under date August 27th and 28th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 63. [211—123]

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 63.”)

Mr. FRANK.—Q. I show you another set of cards of David Doig, Jr., dated August 29th, 30th and 31st, September 2d, 6th, 8th, 9th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 64.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 64.”)

Mr. FRANK.—Q. I show you another set of cards of David Doig, Jr., dated September 12th, 13th, 14th, 15th, and 17th, and ask you the same questions as be-

(Testimony of Robert Adamson.)

fore. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 65.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 65.")

Mr. FRANK.—Q. I show you a set of cards of Axel Persson, dated August 27th and August 28th, and ask you the same questions as before.

A. He is an apprentice machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 66.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 66.")

Mr. FRANK.—Q. I show you another set of cards of Axel Persson of August 31st, September 1st, September 3d, September 4th and September 7th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 67.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 67.")

[212—124]

Mr. FRANK.—Q. I show you another card of Axel Persson dated September 14th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 68.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Adamson No. 68.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I show you two cards of John Ross dated September 14th and 15th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 69.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 69.”)

(A recess was here taken until 2 P. M.) [213—125]

AFTERNOON SESSION.

ROBERT ADAMSON, recalled, direct examination resumed.

Mr. FRANK.—Q. I now show you a set of time-cards of N. P. Hicks under date of September 13th, 15th, 16th, 17th, 18th and 20th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 70.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 70.”)

Mr. FRANK.—Q. I show you two time-cards of N. Vasen under date of September 13th and 16th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 71.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 71.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I now show you another set of time-cards of N. Vasen under date of August 30th and 31st, September 1st, September 2d, September 7th, September 8th, and September 10th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 72.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 72.”)

Mr. FRANK.—Q. I show you another set of time-cards of N. Vasen under date of August 27th and August 28th, and ask you the same questions as before. A. The same answer. [214—126]

Mr. FRANK.—I ask to have these cards marked Adamson No. 73.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 73.”)

Mr. FRANK.—Q. I show you a set of time-cards of Tore Francisco under date of August 27th and August 28th, and ask you the same questions as before. A. He is a helper. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 74.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 74.”)

Mr. FRANK.—Q. I now show you the time-card of Jose Francisco under date of September 13th, and

(Testimony of Robert Adamson.)

ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 75.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 75.”)

Mr. FRANK.—Q. I now show you a set of time-cards of Tore Francisco, under date of August 30th, 31st, September 1st, 2d, 3d, 4th, 7th and 8th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 76.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 76.”)

Mr. FRANK.—Q. I now show you a set of time-cards of George A. Dunn under date of August 30th, 31st and September 6th, and ask you the same questions as before. [215—127]

A. The same answer. Mr. Dunn is a machinist.

Mr. FRANK.—I ask to have these cards marked Adamson No. 77.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 77.”)

Mr. FRANK.—Q. I now show you the time-card of Rudolf Dolenski under date of August 28th, and ask you the same questions as before.

A. He is a machinist. The same answer as regards that.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have this card marked Adamson No. 78.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 78.”)

Mr. FRANK.—Q. I now show you another set of time-cards of R. Dolenski under date of August 30th, August 31st, September 1st, September 2d, September 3d, and September 4th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have those cards marked Adamson No. 79.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 79.”)

Mr. FRANK.—Q. I show you the time-card of J. Jackson under date of September 1st, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 80.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 80.”)

Mr. FRANK.—Q. I now show you two time-cards of B. Materne under date of August 30th and August 31st, and ask you the same questions as before.
[216—128]

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 81.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 81.”)

Mr. FRANK.—Q. I now show you a set of time-cards of James P. Gordon under date of September 14th, 15th, 16th, 17th, and 21st, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 82.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 82.”)

Mr. FRANK.—Q. I show you another time-card of B. Materne under date of August 28th and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 83.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 83.”)

Mr. FRANK.—Q. I now show you the time-card of M. D. Souza under date of September 10th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 84.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 884.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I show you a set of time-cards of M. D. Souza under date of September 13th, 14th, 15th, 16th and 22d, and ask you the same questions as before. [217—129] A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 85.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 85.”)

Mr. FRANK.—Q. I now show you a set of time-cards of H. Sutherland under date of September 1st, 2d, 3d, and 4th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 86.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 86.”)

Mr. FRANK.—Q. I now show you the time-card of J. Cameron under date of August 23d, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 87.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 87.”)

Mr. FRANK.—Q. I now show you two time-cards of F. Pickersgill under date of September 17th and 20th, and ask you the same questions as before.

(Testimony of Robert Adamson.)

A. He is an apprentice machinist. The same answer to that.

Mr. FRANK.—I ask to have these cards marked Adamson No. 88.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 88.”)

Mr. FRANK.—Q. I show you a set of time-cards of F. Pickersgill under date of September 8th, 10th and 11th, and ask you the same questions as before.
[218—130] A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 89.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 89.”)

Mr. FRANK.—Q. I now show you two cards of G. D. Doig under date of September 16th and 20th, and ask you the same questions as before.

A. He is a helper. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 90.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 90.”)

Mr. FRANK.—Q. I now show you another set of time-cards of G. D. Doig under date of September 8th, 10th and 11th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 91.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 91.”)

Mr. FRANK.—Q. I now show you a set of time-cards of George Cuthbert under date of August 30th, September 14th, and September 18th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 92.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 92.”)

Mr. FRANK.—Q. I show you the time-card of George Cuthbert under date of September 10th, and ask you the same questions as before. [219—131]

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 93.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 93.”)

Mr. FRANK.—I now show you a set of time-cards of William Schmidt under date of August 29th, 30th, 31st, September 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 10th, and ask you the same questions as before. A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 94.

Mr. McCLANAHAN.—The same objection as before.

(Testimony of Robert Adamson.)

(The cards are marked "Adamson No. 94.")

Mr. FRANK.—Q. I now show you the time-card of William Schmidt under date of August 27th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 95.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked "Adamson No. 95.")

Mr. FRANK.—Q. I now show you two time-cards of William Schmidt under date of September 18th and 19th and ask you the same questions as before? A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 96.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked "Adamson No. 96.")

Mr. FRANK.—Q. I now show you a set of time-cards of R. Turner under date of September 6th, 7th, 8th and 9th, and ask [220—132] you the same question as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 97.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked "Adamson No. 97.")

Mr. FRANK.—Q. I now show you two cards of R. Turner under date of September 12th and 19th, and

(Testimony of Robert Adamson.)

ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 98.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 98.”)

Mr. FRANK.—Q. I show you a set of time-cards of R. Adamson. Who is that? Yourself?

A. Yes, sir.

Q. Under date of September 13th, 14th, 15th, 16th, 17th, 20th and 21st, and ask you the same questions as before. These I understand are your own personal time-cards?

A. My own personal time-cards made out by myself.

Q. And at the time they were made out state whether or not they were correct and truly stated, the numbers, and hours of work, and the articles worked on.

A. Yes, sir. The same answer to that.

Mr. FRANK.—I ask to have these cards marked Adamson No. 99.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 99.”)

Mr. FRANK.—Q. I now show you another set of time-cards of R. Adamson under date of August 24th, 27th and 28th and ask you the same questions as before. A. The same answer. [221—133]

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have these cards marked Adamson No. 100.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 100.”)

Mr. FRANK.—Q. I show you another set of time-cards of R. Adamson under date of August 30th and 31st, and September 1st, 2d, 3d, 4th, 8th, 9th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 101.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 101.”)

Mr. FRANK.—Q. I show you a set of time-cards of F. C. Heath under date of August 27th, 30th, 31st, September 3d, 4th, 7th, 8th, 10th and 11th and ask you the same questions as before.

A. He is a machinist. The same answer to that.

Mr. FRANK.—I ask to have these cards marked Adamson No. 102.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 102.”)

Mr. FRANK.—Q. I show you another set of time-cards of F. C. Heath under date of September 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st and 22d, and ask you the same questions as before.

A. The same answer to that.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have these cards marked Adamson No. 103.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 103.”)

(An adjournment is here taken until to-morrow morning, Friday, August 18th, 1911, at 9:30 A. M.)
[222—134]

Friday, August 18th, 1911.

Mr. FRANK.—Go ahead, Mr. McClanahan.

Mr. McCLANAHAN.—You have finished?

Mr. FRANK.—Yes.

Cross-examination.

Mr. McCLANAHAN.—Q. You are still in the employ of the United Engineering Works, Mr. Adamson? A. Yes, sir.

Q. Are you the only foreman in the machine-shop?

A. Yes, sir.

Q. When there is night work, do you work night and day? A. I don't work night and day.

Q. You have a night foreman?

A. I put a deputy on; I put a deputy foreman on.

Q. A deputy foreman?

A. Yes, or an assistant foreman in the shop, but not what you would call the foreman of the shop.

Q. Do you as foreman ever do any figuring on work—estimating? A. No, sir.

Q. Are you ever consulted by the office as to the cost of the work? A. No, sir.

Q. Are you ever consulted by the office as to your ability to do work in the shop? A. Yes, sir.

(Testimony of Robert Adamson.)

Q. Were you so consulted with reference to this "Hilonian" job? A. Not so far as I remember.

Q. Well, you have a pretty good memory, haven't you?

A. Well, it is as good as the average, I guess.

Q. Do you remember anything about this "Hilonian" job?

A. I remember the "Hilonian" being at the works getting overhauled.

Q. There have been scores and perhaps hundreds of ships at the works being overhauled, have there not, in the last few years? A. Yes, sir. [223—135]

Q. You don't remember, then, anything about the details of the work on the "Hilonian"?

A. I don't claim to remember all the details of the work.

Q. I am asking for any of them.

A. I remember some of the details of the work all right.

Q. Is the machinery of your shop the same to-day as it was in 1909? A. Practically the same.

Q. What is the largest lathe you have in the shop?

A. A 52-inch lathe.

Q. What do you mean by 52-inch, that that is the swing of it?

A. A 52-inch swing. That same lathe can be raised to take at least a 60-inch swing.

Q. What is the reach of it?

A. You mean the length of the lathe?

Q. Yes, what length piece of machinery will it take in?

(Testimony of Robert Adamson.)

A. It will take in 25 feet at the very least, so far as I remember.

Q. That is, its reach is 25 feet and its swing on the center is 52 inches?

A. Well, that is the normal swing, but it can be raised up on blocks to take over 60 inches.

Q. To take over 60 inches or 60 inches?

A. Over 60 inches.

Q. Is 25 feet the greatest length of machinery you can get into the lathe?

A. I won't guarantee that. I know that it will take 25 feet, but I don't know how much more it may possibly take; I could not exactly say at the present time.

Mr. FRANK.—Of course, we object to all this line of testimony as being incompetent and immaterial, and having nothing to do with the issues of this cause at all.

Mr. McCLANAHAN.—Q. Did you ever see the specifications under which work was done on the "Hilonian"? [224—136]

A. I cannot recall at the present time that I did.

Q. I hand you the answer of the respondent in this case and show you the Exhibit No. 1 attached to that answer, and ask you to look it over and see if you can refresh your mind and state whether you have ever seen those specifications before?

Mr. FRANK.—We object to that. It is not a memorandum made by the witness or which he can have any knowledge of of his own. It is a memorandum made up by the defendant. If there is any

(Testimony of Robert Adamson.)

refreshing of recollection to be made it must be made from a paper which the witness himself has made up, or an original paper of that sort.

Q. Did you ever see that paper before, Mr. Adamson? A. No, sir.

Mr. McCLANAHAN.—Now, Mr. Frank, don't interrupt me in my cross-examination of the witness.

Mr. FRANK.—For the purpose of my objection I certainly have the right to fix the facts which are necessary to permit you to put that paper before the witness.

Q. What was your answer, Mr. Adamson?

A. My answer is that I cannot recall seeing that full specification at any time.

Q. Did you ever see that paper before?

A. No, sir.

Mr. McCLANAHAN.—Mr. Frank, I still object to your interfering with my cross-examination of this witness.

Mr. FRANK.—It is perfectly regular; I have a right to do that.

Mr. McCLANAHAN.—Well, I never in my experience had that regular practice forced on me before.

Mr. FRANK.—Well, you are gaining experience every day, Mr. McClanahan.

Mr. McCLANAHAN.—I hope you are.

Q. Mr. Adamson, you have not read this paper, have you, that I [225—137] asked you to look over?

A. I read part of it; I read enough to say that I

(Testimony of Robert Adamson.)

cannot recall seeing that full specification before.

Q. Can you recall seeing any part of the specification? A. Not that paper.

Q. I am not referring particularly to that paper, but of any specification of which this is a copy.

A. My answer is that I cannot recall seeing that full specification as it is there at that time.

Q. Why do you say "full"? Do you distinguish it from anything?

A. Well, I guess that specification was made up in the office, the whole specification, but I cannot recall seeing that full specification; I cannot recall anything about that.

Q. Just look at item 9 of this specification and please read it through.

Mr. FRANK.—Now, I will have to instruct the witness not to answer that question.

Mr. McCLANAHAN.—There is no question before the witness.

Mr. FRANK.—Well, even so.

Mr. McCLANAHAN.—That is a funny proceeding. Are you going to instruct him not to answer any question I ask him?

Mr. FRANK.—After you have finished I will instruct the witness. I want to be sure that you have finished. I instruct the witness not to answer any question based on the paper now handed to him for the ostensible purpose of refreshing his recollection on the ground that the paper does not appear to be any paper either drawn by him or ever seen by him before. Until the Court will pass upon the pro-

(Testimony of Robert Adamson.)

priety of the use of such a paper for such a purpose, the whole matter will be referred to the Court.
[226—138]

Mr. McCLANAHAN.—Q. Have you read that through?

A. I have read that item and I cannot recall ever reading that before. I give the same answer again, I do not recall.

Q. You never knew that the original contract for this work called for the removal of the “Hilonian’s” crank-shaft to the shop?

Mr. FRANK.—Now, one moment. I object to that on the ground, in the first place, that it assumes that there was a contract for the removal of the shaft to the shop.

A. Well, I will answer this question, I would take no notice or get no information whether it is a contract or whether it is a time job that comes in the shop.

Mr. McCLANAHAN.—Q. Just answer my question. Please read the question.

(Question read by the reporter.)

A. I made the answer that I did not know there was any contract on the job.

Q. Did you know there was any contract at all for the removal of the “Hilonian’s” crank-shaft from the ship to the shop?

Mr. FRANK.—We object to that as immaterial.

A. That talk did not take place in my hearing, as far as I remember.

Mr. McCLANAHAN.—Q. That is, you never

(Testimony of Robert Adamson.)

heard it talked of?

A. I don't recall ever hearing any talk of it.

Q. Did you ever recall discussions between officers of the United Engineering Works and yourself, or others—

A. (Intg.) No, sir.

Q. Please don't answer the question before it is finished; please listen to what I am saying.

A. I thought you had finished. [227—139]

Q. Did you ever recall discussions between officers of the United Engineering Works and yourself or others with reference to the ability of your shop to put the crank-shaft of the "Hilonian" in a lathe and while there to join to it the thrust-shaft for the purpose of truing up?

Mr. FRANK.—In the first place, I object to that upon the ground that it is not cross-examination, it not having reference to any matter whatsoever that was inquired of or developed or in any wise connected with any matter inquired of or developed on the direct examination; in the second place, I object to it upon the ground that it is calling for hearsay testimony.

Mr. McCLANAHAN.—I remind you, Mr. Frank, of the fact that this witness has testified about there being lathes in the shop and men working on them on this job.

Mr. FRANK.—I instruct the witness not to answer the question until I can have this line of examination certified to the Court and properly passed upon by the Court. Now, if you want to go into that line of examination, Mr. McClanahan, I will be

(Testimony of Robert Adamson.)

pleased to take the matter up at any time. I do not desire to have this record unnecessarily encumbered with immaterial matter. That is one of the difficulties of—

Mr. McCLANAHAN.—(Intg.) Well, you are encumbering it now. You are not making an objection. You are sort of delivering a lecture or a sermon on a matter of ethics.

Mr. FRANK.—Not at all. That is one of the difficulties attendant upon this method of taking testimony. I therefore desire to have the matter passed upon before that class of examination is indulged in. I will add to the objection also that it is immaterial and has nothing to do with the issues in this cause.
[228—140]

Mr. McCLANAHAN.—Q. Do you decline to answer, Mr. Adamson?

Mr. FRANK.—He will act under my instructions. He will answer if the Court passes upon it and determines it is a material and proper inquiry.

Mr. McCLANAHAN.—Q. Answer my last question.

A. You might repeat the question, you might read it off.

Q. Do you decline to answer my question, or do you want it repeated?

A. I would like to have it repeated.

Mr. McCLANAHAN.—Read the question, Mr. Reporter.

Mr. FRANK.—I want to instruct you that you are to take my instructions in this matter so far as

(Testimony of Robert Adamson.)

answering at the present time is concerned. The question whether you decline to answer or not decline to answer rests with me at the present time and not with you. As soon as the Court has passed upon it then it comes back to you, whether you decline or not.

Mr. McCLANAHAN.—Q. Mr. Adamson, Mr. Frank is not your attorney, is he?

Mr. FRANK.—Now, Mr. McClanahan—

Mr. McCLANAHAN.—I am asking him the question.

Mr. FRANK.—Well, you understood just as well as it is possible to understand; there is no use of your playing at side-show business. You understand as well as I do that it is my right to have the materiality and propriety of that question passed upon by the Court. I now demand it without any further difficulty upon that subject.

Mr. McCLANAHAN.—Q. Mr. Adamson, Mr. Frank is not your attorney, is he?

A. I never had an attorney in my life so far as I know.

Q. Then, I ask you now, do you decline to answer my question?

A. Well, I answer, if the question was did I hear and discussion [229—141] about the putting of those shafts together in the lathe, I never heard that discussed. I repeat that again in connection with the question that I declined to answer.

Q. Mr. Adamson, I noticed that as you gave your answers relative to the time-cards which have been

(Testimony of Robert Adamson.)

introduced in evidence here as exhibits from 1 to 103, that in each case you gave careful examination to each card that was handed to you before giving an answer; will you tell me why you gave this particular examination to each card before answering the question?

A. I wanted to find out and prove that the cards were as I had checked them off when they were before me, and before they were handed into the office, and they had not been altered in any way.

Q. You wanted to be sure that you would answer right; is that it? A. That I answered right.

Q. What was it on the card that gave you information that would enable you to answer right?

A. My check mark on each card.

Q. Anything else? A. No, sir.

Q. I pick up at random out of the batch of exhibits, "Exhibit Adamson No. 3"; it happens to be the card of John Benson, of September 12th. I hand you that and ask you where is the check on that card which you refer to as your check?

A. The check mark on the end of the line there, a small check mark.

Q. "Valve bonnet, etc."; is that it? A. No, sir.

Q. What is the check mark you refer to, the one in blue? A. No, this mark here.

Q. Don't mark it with your finger-nail. Do you mean to say there is a check mark on that card? Please don't look at the [230—142] others. I am referring to the John Benson card of September 12th; is there a check mark on that card?

(Testimony of Robert Adamson.)

A. That check mark, so far as I can recall, is my check mark there.

Q. By that you refer to—just put a circle in pencil around the check mark you refer to on that card, a circle all around it.

(The witness does as directed.)

Q. Now, put your initial after the circle there.

(The witness does as directed.)

Q. What do those check marks which you refer to as the identifying mark of the card bring to your recollection?

A. They bring to my recollection that the time charged to each job marked on that card was correct at the time I check it off.

Q. Is that all it brings to your recollection?

A. That is all that it brings to my recollection.

Q. Then you have not answered the questions that have been put to you by Mr. Frank; his question was fuller than that. Don't you remember that? Can you tell me what was included in Mr. Frank's question that covered these cards?

A. I cannot recollect what question Mr. Frank asked at the time, but I am answering now and I give the same answer that I made at that time, that I knew at the time that these cards were made out, and the time I checked them, that the numbers were correct and the time was correct.

Q. That the number was correct and that the time was correct? A. Yes, sir.

Q. Now, I am not asking you to give me Mr. Frank's words contained in the question, but I am

(Testimony of Robert Adamson.)

asking for the facts asked for in the question that your check mark enables you to recollect. Can you tell me the facts embodied in the question? [231—143]

A. Well, in that case I would like to have the question repeated that Mr. Frank asked me about that.

Q. I am trying to see if you cannot remember it without having it repeated, Mr. Adamson—not the words of the question but the facts called for by the question.

Mr. FRANK.—He has already given you the facts called for.

A. I have given you the answer to that question, that at the time I checked these cards off that the numbers were correct and that the time charged to each number was correct at the time I checked them off.

Mr. McCLANAHAN.—Q. That is all that you remember now of the facts contained in the question that was asked relative to each of these cards?

A. Yes, sir.

Q. Are you sure of that? A. Yes, sir.

Q. The number and the time worked? A. Yes.

Q. By the number, you mean the job number?

A. The job number.

Q. And the time worked under that job number?

A. Under that job number.

Q. How does your simple pencil check refresh your mind as to the job number; what does it bring to your refreshed recollection? What does the check mark bring to your refreshed recollection with

(Testimony of Robert Adamson.)

reference to the job number—that there was such a number in the shop?

A. It brings to my recollection this much, that if my check mark is on that card I knew at the time that that number was correct, that that number was running in the shop, and that I checked off the time according to that number.

Q. You knew that that number was running in the shop? A. Yes, sir.

Q. Your check mark is not anything peculiar, is it? It is [232—144] just the ordinary check mark that we all use—is that so?

A. I cannot say what other marks are used but that is the check mark that I use all the time.

Q. If it were not for the check mark you would have no recollection of the job number and the time contained on the card?

A. I don't claim to have a memory to carry me back two or three years to special numbers, when there are thousands of numbers run, that there was any special number at that time.

Q. Will you please answer my question?

A. I beg your pardon.

Mr. McCLANAHAN.—Read the question, Mr. Reporter.

(Question read by the Reporter.)

Mr. FRANK.—He has answered the question.

A. Not at that time, not two years back.

Mr. McCLANAHAN.—Q. You mean not at this time? A. Not at this time.

Q. So it is the check mark alone that enables you

(Testimony of Robert Adamson.)

to identify these cards? A. Yes, sir.

Q. You have not seen these cards before this, since they were turned in by you two years ago, have you?

A. No, sir.

Q. Do you know who prepared them in the shape that they are now brought into this room and presented to you?

A. I have no knowledge whatever.

Q. There are thousands of cards turned in by you, are there not? A. I guess so.

Q. In the past two years there have been thousands of cards, have there not? Just make a mental calculation roughly and see if I am not correct about that? A. Yes, sir.

Q. And from these which you have turned in somebody has selected this batch bearing your check mark. Is that correct?

A. I did not select them. [233—145]

Q. Now, do you know what you have been testifying to with reference to what ship this work shown by these cards was performed on or for?

Mr. FRANK.—You refer to the testimony yesterday—is that so, Mr. McClanahan? You refer to yesterday's testimony?

Mr. McCLANAHAN.—Yes.

A. Well, as I understand it, it is the ship "Hilonian." That is all I understand about it, that there is some trouble about the ship "Hilonian." That is all I know. But I am not distinguishing the "Hilonian" numbers from anything else about it. One could not get away from knowing something about that.

(Testimony of Robert Adamson.)

Q. Who gave you the suggestion or the information that the trouble was about the "Hilonian"—the men in the office?

A. No, I don't know who gave it; where I got it I could not tell.

Q. But your testimony has nothing to do with the ship itself? A. Not with that ship especially.

Q. You cannot tell whether one number or another number belongs to the "Hilonian" or to some other ship?

A. No, sir, not now; I could not recall that now.

Q. In checking over these cards I have found that there are—well, I will say scores of job numbers on these cards; they are not all "Hilonian" job numbers, are they, or do you know anything about it?

A. There is only one number that I can vouch for that did not belong to the "Hilonian," and that is a job that was running for months there. That is one that I can recall.

Q. A job number? A. Yes.

Q. A job number that did not belong to the "Hilonian"? A. Yes. [234—146]

Q. What was the number?

A. 4858, wasn't it? The new engine we were building. I have seen it on all the cards there.

Q. 4858?

A. I think that was the number that was on all these cards. That was a number that was so long before me in the shop that I could not forget it.

Q. That is the only one you remember?

A. That is the only one I can place.

(Testimony of Robert Adamson.)

Q. You cannot give me a single number that would be identified with the "Hilonian" job?

A. No, sir.

Q. You are quite sure of that?

A. I am quite sure of that.

Q. Then you did not by your testimony yesterday in answering Mr. Frank's questions intend to have it understood that your testimony applied to the "Hilonian"? A. I did not catch that.

Q. Read it, Mr. Reporter. (Question read.)

A. No, sir, I did not intend to have it understood that I was being questioned in regard to the "Hilonian."

Q. I understand you have made no check mark on these cards since they have been brought into the room? A. No, sir.

Q. These check marks were made at the time the card was turned into the office? A. That is so.

Q. And you have not seen the cards since then?

A. Never since, until they were in this office before me here.

Q. You could identify in the same way any of the cards that would have your check mark on them, if brought in here, could you not? A. Yes, sir.

Q. Mr. Adamson, in testifying yesterday and in making your examination of these different cards, I understood from you this morning, that the examination was for the purpose of discovering [235—147] your check mark. Is that correct?

A. Yes, sir; that I can prove that these were the checks marked off by me at the time.

(Testimony of Robert Adamson.)

Q. You were simply examining them for the purpose of discovering your check marks?

A. That is what I was examining them for.

Q. And that is all you looked for?

A. That is all I looked for.

Q. And nothing else? A. Nothing else.

Q. Is there anything peculiar about your check mark?

A. The only thing peculiar about it is that I don't know of any other one in the works who checks them off in the same way I do. I never found out to my knowledge on any other card I saw from any other department that had that mark on it.

Q. You don't use a peculiar pencil, do you?

A. Just any ordinary pencil.

Q. Just take your own pencil and mark on that sheet of paper that I hand you, your check mark.

(Witness does as directed.)

Q. Now, put your initials under that, please.

(Witness does as directed.)

Mr. McCLANAHAN.—We offer this in evidence and ask that it be marked Respondent's Exhibit Adamson "A."

(The sheet of paper was here marked Respondent's Exhibit Adamson "A.")

Q. Mr. Adamson, when does the whistle blow at the works for the commencement of work in the morning?

A. At the present time it blow at 25 minutes after 7, one toot, and at half-past 7 it blows a long blast.

(Testimony of Robert Adamson.)

Q. Was that the whistle in August and in September, 1909? [236—148]

A. That is so at the present time. At that time we started at about 20 minutes after 7, so far as I recall.

Q. Will you tell me the whistles that blew in August and September, 1909, for starting work?

A. There was only the one whistle blew at the starting time.

Q. What was that, at what hour?

A. I think it was 20 minutes after 7. Probably it was half-past 7. I don't recall that at the present time.

Q. Is there anything else you can think of that would refresh your memory on that point? Would the clock cards do it? A. They may possibly do it.

Mr. McCLANAHAN.—Will you please produce the clock cards, Mr. Frank?

Mr. FRANK.—For what dates?

Mr. McCLANAHAN.—For August and September, 1909, for the men whose time-cards are now in evidence.

Mr. FRANK.—Q. Did you make those clock cards yourself, Mr. Adamson?

A. No, sir, I had nothing to do with them.

Mr. McCLANAHAN.—I will admit that the clock made them.

Mr. FRANK.—He didn't punch the clock for anybody else's name but his own. If you want his clock cards we will produce them.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Do you decline to produce the clock cards?

Mr. FRANK.—I will produce his. He punched his own time-cards. Is that right, Mr. Adamson?

The WITNESS.—Yes. What I want to get at is, that there has been so many different changes in the last two years that at one time they would be starting at 20 minutes past 7 and at another time at half-past 7, so I can't remember just what time they started in at, at that time in 1909. [237—149]

Mr. McCLANAHAN.—Q. I am trying to assist you in your recollection by producing the clock cards.

Mr. FRANK.—We will produce the clock card that he punched, if you are trying to assist his recollection about it. This is a great fishing expedition, isn't it?

Mr. McCLANAHAN.—While there is a search being made for your clock cards, Mr. Adamson, I will continue my examination.

Q. Is there any relation between the time on the time-cards and the clock cards corresponding?

Mr. FRANK.—What do you mean by "relation"?

Mr. McCLANAHAN.—The word is intelligible, Mr. Frank. The witness is not troubled about it.

Mr. FRANK.—No, it is not intelligible.

Mr. McCLANAHAN.—Isn't it?

Mr. FRANK.—No. How do you mean "relation"? I think the witness and I are both entitled to know what you mean by it.

Mr. McCLANAHAN.—Q. Do you not know what I mean by my question, Mr. Adamson?

(Testimony of Robert Adamson.)

A. The time on the clock cards, as I understand it, is compared with the time put in on the time-cards, and if one don't compare with the other then there is an examination made about it.

Q. So there is a connection then between the time-card and the clock card of each man?

A. The one is a check upon the other.

Mr. McCLANAHAN.—I will call upon counsel now to produce all the clock cards for the following men: C. Schmidt, John Benson, P. Mockel, J. P. Wojdacki, D. Stimmel, George Driscoll, Will Zaddart, Howard Beileit, Alfred Boyer, H. G. Strowenjans, [238—150] C. W. Higgins, G. Martioli, William Hay, James McDonald, Joseph Casener, W. L. Megow, Charles A. Wilson, J. P. Wojdacki, F. M. Fleming, M. Shafer, C. F. Peaslee, Joe Larrando, A. B. Watson, C. Chaquette, V. Williams, J. B. Penicott, Joseph C. Mellow, J. L. Chandler, W. B. Thomas, J. Sucher, Fenton Young, Gus Albers, David Doig, Jr., Axel Person, John Ross, N. P. Hick, N. Vasen, Tore Francisco, George A. Dunn, M. Dolinski, J. Jackson, B. Materne, James B. Gordon, M. D. Souza, H. Sutherland, J. Cameron, F. Pickengill, J. D. Doig, George Cuthbert, William Schmidt, R. Turner, F. C. Keith, and R. Adamson, who is the witness. I wish these cards, Mr. Frank, to be produced covering the corresponding time-cards that have been introduced in evidence in this case under the respective exhibits.

Mr. FRANK.—Then it is not for the purpose of refreshing this witness' recollection that you want

(Testimony of Robert Adamson.)

them, but for some other purpose, as I understand, instead of as you first suggested. Do you want Mr. Adamson to refresh his recollection now from his card?

Mr. McCLANAHAN.—Yes. You produce Mr. Adamson's card.

Q. Will you now examine your card, Mr. Adamson, and tell me, if you can, the time the first whistle blew in August and September, 1909, at the works of the United Engineering Works?

A. No, sir, that is no help to me.

Q. What is that?

A. That does not bring to my recollection when the whistle blew.

Q. It does not help you any?

A. No, not any more than it did before I saw it.

Q. How can you find that out for me?

A. I could not tell you at the present time unless I was to go back into the records and find out from the records what time [239—151] we started in the morning at that time.

Q. What records do you refer to?

A. I don't know. I would have to make inquiries to find out what time we started at that time. I don't know where I would find it out.

Q. Your best recollection is the whistle blew at 7:20? A. That is as far as my recollection goes.

Q. And that work commenced at 7:20?

A. I could not verify that. It may have been 7:30. There have been so many changes of time within the last two years or three years, that I could

(Testimony of Robert Adamson.)

not recall at that special time when the whistle blew.

Q. The whistle started the work in all the departments of the shop, did it not?

A. At one time, yes, all over the shop.

Q. Is there any doubt in your mind as to when the noon whistle blew for the lunch hour?

A. You mean to stop?

Q. To stop for the lunch, yes.

A. 12 o'clock, is the best of my recollection.

Q. In August and September, 1909?

A. Yes, sir, so far as I remember.

Q. When did the whistle blow for the recommencement of work after lunch, at that time?

A. That beats me.

Q. You don't know? A. No.

Q. You can't remember that?

A. No, I can't remember it.

Q. Can you remember when the whistle blew for stopping in the afternoon, in August and September, 1909? A. No, sir.

Q. Your memory is not as good as I thought it was, Mr. Adamson. A. Well, I can't help that.

Mr. FRANK.—Mr. McClanahan, that bantering of the witness is improper. [240—152]

Mr. McCLANAHAN.—Well, I will pursue my own way in cross-examining the witness, Mr. Frank.

Mr. FRANK.—I know you will but I will make my own objections and point out my own criticisms of it as we go along.

Mr. McCLANAHAN.—Certainly.

Q. How many hours constituted a day's work in

(Testimony of Robert Adamson.)

August and September, 1909?

A. As far as I recollect, it was nine hours at that time.

Q. That would be straight time, would it, nine hours of work straight?

A. If it was a nine-hour day at that time it was nine hours' straight time, but I cannot recall whether it was nine hours, or what time it was; but I think it was nine hours, and if it was nine hours it would be straight time.

Q. You have no clear recollection now as to the number of hours, have you, constituting a day's work?

A. I cannot at the present moment recall that.

Q. Would an examination of your time-card or clock card help you on that?

A. I have tried to find that out already from the card. I have examined the card but I cannot recall it from the card. I might have been in half an hour before starting in work or I might have been in 10 minutes before starting in. I cannot recall from that card what length of day it was.

Q. What was the rule at that time, if you recollect, with reference to overtime?

A. Overtime began immediately when the whistle blew at quitting time in the afternoon until starting time in the morning.

Q. That would be overtime?

A. Yes, sir; and they worked in the meal hours there right straight through; they don't stop for meals. [241—153]

(Testimony of Robert Adamson.)

Q. That is, in overtime they don't stop for meals?

A. I say if they have to work in the noon hour it is counted as overtime. If they don't get let off for lunch afterwards, if they have to work straight through, that noon time is counted as ordinary overtime.

Q. When the overtime has commenced, after the whistle has blown in the afternoon, is there any stoppage for meals while the overtime is running?

A. That is a matter of arrangement with the Superintendent of any job, if it is on the outside; in the shop I can speak as regards to that, that very often there is no time taken off, they are off no time at all.

Q. For eating? A. For eating.

Q. The overtime? A. The overtime.

Q. They work right straight through?

A. Right straight through.

Q. With reference to pay, what is your recollection as to pay for overtime in September and August, 1909?

Mr. FRANK.—What do you mean by “pay”—the rate of wages?

Mr. McCLANAHAN.—The rate of wages.

Mr. FRANK.—We object to that as immaterial.

A. As far as I remember, from quitting time up to 12 o'clock it was time and a half in the shop, and from then on until starting time in the morning it was double time.

Q. Time and a half for what?

A. From quitting time in the afternoon up until

(Testimony of Robert Adamson.)

12 o'clock at night.

Mr. McCLANAHAN.—Q. Suppose you were working on a holiday, what was the rate of wage?

A. Double time.

Q. And on Sundays? A. Double time.

Q. Who figured out the time on your clock card? I refer to the ink figures on the right-hand side?

[242—154]

A. That is the timekeeper's job; it is not mine.

Q. When this card is completed, does it pass into your hands or go into the office?

A. When this card is completed?

Q. Yes. A. No, sir.

Q. It goes from the clock direct to the office?

A. Yes, sir.

Q. And is a check on the time-cards which you turn in for your men, is it?

A. I have nothing to do with them any more than punching them. The clock takes the time and puts it on the card. Every day, so far as I know, the timekeeper takes that and totals the hours from the card itself and from the time-cards.

Q. That is, he compares the time-card with the time shown by the clock punched, is that it?

A. Yes, so far as I understand that is the way it is done, but that is out of my jurisdiction.

Mr. FRANK.—Q. When you say "as far as you understand," do you mean what somebody tells you, or do you see him do it?

A. I see the timekeeper working with the cards once in a while when I have been in the office, and

(Testimony of Robert Adamson.)

I know personally that it is his business to do that.

Mr. McCLANAHAN.—Q. Have you ever had occasion to have him come to you to rectify a discrepancy between the time-card and the time shown by the clock?

A. I cannot recall that he did that at that time.

Q. He has done it though, has he?

A. I don't remember.

Q. Which is the more correct, the time shown by the clock card or the time shown by your time-card for a particular day?

A. Well, all that I can vouch for is the time-card. I cannot tell that—I never got these to compare them one with the other, so I don't know anything about that. [243—155]

Q. And you cannot tell me now when starting time commenced in September and August, 1909?

A. No, sir.

Q. What was your wage in September and August, 1909?

Mr. FRANK.—We object to that as immaterial.

A. I decline to answer that.

Mr. FRANK.—Oh, well—

A. (Intg.) That is a private matter between me and the firm that I work for. It has nothing to do with this matter before the Court so far as I am concerned.

Mr. McCLANAHAN.—Q. I am not prying into your private matters.

A. Well, that is certainly prying into my private matters.

(Testimony of Robert Adamson.)

Q. Do you decline to answer what you were being paid at that time by the United Engineering Works? A. Yes, I do.

Q. Why?

A. Because I think that that is a private matter between me and the firm, what I was paid, and nobody else has any business to it. I have agreed to work for a wage for any master, no matter who it is, and it is entirely between the two parties concerned.

Mr. FRANK.—So far as the United Engineering Works are concerned, Mr. Adamson, we don't care anything about it. Of course, if you have some private reason of your own—

A. I am thinking about myself and my own private matters. That has no connection at all with this business, what wage I was paid at that time. This is an inquiry checking off time-cards. I can't see anything else to it.

Mr. McCLANAHAN.—I don't want to embarrass you personally. I will ask you the question in another form perhaps.

Q. What were the foremen in the machine-shop being paid by the United Engineering Works in August and September, 1909? [244—156]

Mr. FRANK.—We want to object to that on the legal ground, that it is immaterial. So far as the knowledge of the matter is concerned, we have no desire to keep it from you.

A. I cannot answer that question either.

Mr. McCLANAHAN.—Q. Why not? Don't you

(Testimony of Robert Adamson.)

remember? A. No.

Q. You don't remember? A. No, sir.

Q. You are not declining to answer that because it is any personal matter?

A. Not a bit as regards that last question of yours; no.

Q. You cannot remember what the foremen in the machine-shop were paid in September and August, 1909? A. No, sir.

Q. Can you remember what you were paid?

A. I remember what I was paid.

Q. What were you paid?

A. I decline to answer that.

Q. Do you remember what machinists were paid at that time in the machine-shop?

A. I don't remember.

Q. Or machinist's helpers?

A. I don't remember.

Q. Or machinist's apprentices?

A. I don't remember.

Q. Do the clock cards show what the rate of wage was for these respective occupations?

A. You can see.

Q. Yes, I am going to see, but I am asking you?

A. Well, let me see a card.

Q. I will give you yours.

A. It shows the rate there, doesn't it?

Q. The clock card does show the rate, does it not?

A. It shows there, so far as I can see.

Mr. FRANK.—And you had that in your hand all the time when you were questioning the witness?

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Q. Is that the correct rate? A. It shows there, doesn't it? [245—157]

Q. I say is that the correct rate?

A. I don't know now, but that is the rate that is on that card.

Q. Examine the card and tell me whether that is the correct rate of wage you were paid.

A. I cannot answer that question.

Mr. FRANK.—The card speaks for itself.

The WITNESS.—Of course it does.

Mr. FRANK.—If the witness has some private reason that I am not apprised of as to his own private affairs, it is immaterial so far as you are concerned. The card shows the amount he was settled with on—that is all you are concerned with.

Mr. McCLANAHAN.—Is this an argument, Mr. Frank, or an objection?

Mr. FRANK.—It is an objection.

Mr. McCLANAHAN.—All right, but let us have it properly labeled.

Q. You say you knew what rate you were paid, but you decline to state what it was. You say the time-card has on it your rate of wage, and I ask you if the rate of wage shown by the time-card is correct?

A. I beg to say that I did not say that I knew what rate I was paid. You said that I did know. I say I didn't know, I didn't know the rate I was paid at that time.

Q. So you now say you didn't know what rate of wage you were paid at that time? Will you please

(Testimony of Robert Adamson.)

examine your time-card there and see if it refreshes your memory on that subject?

A. Well, that is the rate on there. Whether I got that, or not, that is the rate that is marked on there at that time.

Q. I ask you if your memory is refreshed?

A. My memory cannot go back and I decline to say anything about that. [246—158]

Q. Then the information of the time card, on which is shown a rate of wage for you, does not refresh your memory as to what the rate was that was actually paid you?

A. That is proof positive so far as you are concerned; I guess that is the rate I was getting, so far as I know.

Q. So it does refresh your memory?

A. So far as I know. That is the only proof I have. That is all that it brings to anybody's mind, to look at it.

Q. $41\frac{2}{3}$ —what does that mean?

A. Ask Mr. Curtis if he knows what that means.

Q. Don't you know what $41\frac{2}{3}$ means as applied to a rate of wage?

A. What would anyone take that to mean?

Q. I don't know. I am asking you what you take it to mean?

A. Well, if you don't know I don't know that anybody else should know.

Q. What do you take it to mean?

A. I take it to be a rate of 41 and $\frac{2}{3}$.

Q. $41\frac{2}{3}$ what? Dollars or cents?

(Testimony of Robert Adamson.)

A. I say nothing more about it.

Mr. FRANK.—Well, what is the trouble, Mr. Adamson?

Mr. McCLANAHAN.—Q. Why do you decline to tell me what that means, Mr. Adamson? Why do you decline to tell me what that $41\frac{2}{3}$ on the card means?

A. I have no special reason for declining to tell you anything about it only the thing is so distinct in and of itself that I don't think anyone has to be told anything about that.

Q. Well, then, tell me what it means? What does it mean, Mr. Adamson?

A. As far as I can judge there it means—there is no distinguishing mark, it might be $41\frac{2}{3}$ of anything, but I suppose the rate means $41\frac{2}{3}$ cents.
[247—159]

Q. Per hour? A. Per hour.

Q. Is that what you were paid at that time, according to your refreshed recollection?

A. That is what is shown there.

Q. And that is what is correct, is it, according to your refreshed recollection?

A. Ah, I can't swear to that, but that is what is marked on the card.

Q. What were you paid your wage for, what was your work in the shop?

A. In the machine-shop, machinist.

Q. Did you actually work at a machine?

A. I worked in the machine-shop as a machinist.

Q. Answer my question, did you work at a ma-

(Testimony of Robert Adamson.)

chine? A. Not at a machine.

Q. What did you work at?

A. I worked on the surface-table and checked all the work that came into the shop and the work that went out of it.

Q. You checked the work as it came in and as it went out?

A. Yes, sir, and laid off the work. I had to lay off the work for the big machines there.

Q. How many men were under you in August and September, 1909?

A. Practically all the machine-shop was under my supervision in regard to this.

Q. Give us an idea as to how many men there were, approximately.

A. I could not tell you that.

Q. 20 or 30? A. All of that.

Q. All of that? A. Yes, sir, all of that.

Q. The clock cards will show the rate of wage paid to these several men whose time-cards have been introduced as exhibits in this case, will they not?

A. I don't know. Mine is shown there apparently. It shows on that card and if it shows [248—160] on that card, I guess the other cards will show the same so far as I am concerned, so far as I know. I can't tell.

Q. And I understand you to say that the clock cards check up the time-cards so far as the time worked is concerned.

A. Yes, and then the timekeeper gets them in

(Testimony of Robert Adamson.)

from the clock card and the time-card and the clock card compare, and if the one compares with the other it is totalled out into the clock card.

Q. Do we understand that one is a check on the other?

A. That is what they are there for, I guess.

Mr. McCLANAHAN.—We will now ask counsel to produce the clock cards for August and September, for the men whose names I have called into the record.

Mr. FRANK.—Is that all?

Mr. McCLANAHAN.—Yes, please produce them. We are not through with the cross-examination yet.

Mr. FRANK.—It will take some time to get them together.

Mr. McCLANAHAN.—We are not through with the witness. I am waiting for the production of the cards.

Mr. FRANK.—We will get them together.

Mr. McCLANAHAN.—Aren't they here, Mr. Frank? It will expedite matters if you can expedite the production of those cards. I understand you will produce the cards?

Mr. FRANK.—Yes. [249—161]

Mr. McCLANAHAN.—I understand that the cards will be produced.

Mr. FRANK.—Yes, I have no objection to the cards being shown.

Mr. McCLANAHAN.—Q. Mr. Adamson, when a job comes into the United Engineering Works' hands it is given a job number, is it not?

(Testimony of Robert Adamson.)

A. Yes, sir.

Q. That job number passes into your department, does it not? A. Yes, sir.

Q. For that particular work? A. Yes, sir.

Q. And it remains the job number of that particular work until completion?

A. Until completion.

Q. That is correct, is it? A. Yes, sir.

Q. Are the job numbers given to time work—by time work I mean work that is not done under a contract—are job numbers given to time work in any way to be distinguished from job numbers given to contracts? A. No, sir.

Q. That is, from your experience in the shop you find that the numbers run consecutively?

A. The numbers run consecutively as the jobs come in.

Q. Irrespective of whether they are time jobs or contracts?

A. Irrespective of whether they are time jobs or contracts.

Q. This job number given to this particular work is retained throughout the shop in the different departments? A. Yes, sir.

Q. And even if work is done on the ship it is retained on the ship, is it not?

A. It is retained on the ship.

Q. So that one piece of work has but one number, one job number, is that right?

A. Not in every case. Under one number there may be a list of different parts of machinery; there

(Testimony of Robert Adamson.)

may be work on [250—162] the main engine and work on the auxiliary engine on the same number, but still on the same list.

Q. The same job? A. The same job.

Q. So that one job still has the one number?

A. Yes, sir.

Q. You have no means in the shop of knowing what the work is for, what ship it is for?

A. Certainly we do.

Q. What is the means?

A. The ship's name is put on against the list number.

Q. If it is put against the ship's list number then you know it is for that ship? A. Yes, sir.

Q. That is all you know about it, the fact that it is put on the card?

Mr. FRANK.—He did not say card; he said list.

A. The list.

Mr. McCLANAHAN.—Q. I say that is all you know about it.

A. That is all you know about it. It belongs to that ship named against that number, and it is worked on under that number.

Q. Your men sometimes work on the ship, don't they?

A. Very seldom. They are occasionally sent out to the ship.

Q. Sometimes? A. Yes, sir.

Q. Every man in the ship has a number, has he not? A. Yes, sir, a shop number.

Q. For instance, John Benson's number is 327.

(Testimony of Robert Adamson.)

A. Every man has got that number. He has a shop number.

Q. You say every man has got that number.

A. I do not mean the same number. I say they have a shop number.

Q. That number stays by him wherever he goes?

A. Wherever he goes. [251—163]

Q. For instance, if John Benson went on the ship to work, he would still be 327? A. Yes, sir.

Q. And if he worked in the shop he would be 327?

A. Yes, sir.

Q. Who is the man who makes out the bills in the shop? A. What kind of bills?

Q. Bills for work done that are sent out to ship-owners?

A. I don't know anything about that; I don't know the first thing about that.

Q. You don't know who the bill clerk in the office is. You don't know who makes out the bills?

A. I don't know who makes out the bills. It is not in my line at all.

Q. Who in the shop is the practical man, or rather in the office is the practical man?

A. In the office? I don't know. I guess the manager is the practical man in the office, so far as I know.

Q. Who is he?

A. Mr. Christie is the manager, isn't he?

Q. I am asking you.

Mr. FRANK.—I should like to know the materiality of this fishing expedition. If it has anything

(Testimony of Robert Adamson.)

to do at all with the direct examination, you are perfectly welcome to it, but I should like to know the purpose of it; otherwise I shall object to it.

Mr. McCLANAHAN.—Perhaps you will tell me, Mr. Frank, who it was that places and did place in August and September the job numbers on the particular pieces of work done on the “Hilonian”?

Mr. FRANK.—We will tell you in due time, and give you every detail of it. You are barking up the wrong tree now, and have been some for some time. You shall have every detail of it, so that you will be able to trace it from beginning to end, if you [252—164] are going to put us to that troublesome detail. There is no discrepancy about it.

Mr. McCLANAHAN.—We would like to have it now.

Mr. FRANK.—You cannot have it now because we cannot give it now. We will give it to you as we produce our testimony.

Mr. McCLANAHAN.—Then I shall try to get it out of the witnesses who are put under cross-examination.

Mr. FRANK.—When you get a witness who is familiar with it, and whose department it is, and who knows what he is talking about, instead of from hearsay, and it is material on proper cross-examination, you will be perfectly welcome to it then. You will be welcome to it at any time in its proper order.

Mr. McCLANAHAN.—Q. Do you know if Mr. Christie puts the job numbers on the different pieces of work? A. I don't know.

(Testimony of Robert Adamson.)

Q. Do you know who does in the office?

A. I don't know who does that, or whose business it is to do that. I get the sheets handed in to the shop to me.

Q. And they have the job number on?

A. They have the job number on.

Q. Do you know who makes out those sheets?

A. I do not.

Q. Are they signed by anyone?

A. Not to my knowledge.

Q. You do not keep a time-book for your men in the shop, do you? A. No, sir.

Q. How are you enabled then (to check up the time of each man? Do you take his word for it?

A. No, sir, I do not entirely take his word for it, altogether. I know the time I give him the job, or the job is taken to him, and the time he finishes that [253—165] job and gets another one.

Q. You know that without keeping a time-book?

A. Yes, sir. I can judge that from long experience.

Q. Do you remember any work done on the intermediate pressure piston rod for the "Hilonian" in August or September, 1909?

A. Not specifically.

Q. You do not? A. Not specifically.

Q. Have you given the matter thought?

A. I have not.

Q. You have? A. I have not.

Q. Well, give it some thought now.

A. I tell you I cannot recall anything specifically

(Testimony of Robert Adamson.)

done on the "Hilonian" at that time.

Q. Nor on the "Hilonian's" I. P. piston rod?

A. No, sir.

Q. Do you remember any work done on the bushing for the "Hilonian's boring bar?

A. Not specifically.

Q. Not specifically? A. No, sir.

Q. What is a boring bar?

A. A boring bar is a tool that is used for putting through the center of a cylinder for re boring that cylinder, or for boring it up in the first instance.

Q. You would not find a boring bar on the ship, would you?

A. It is a very, very rare thing that you find a boring bar on the ship.

Q. You have got one in your shop, haven't you?

A. Several.

Q. I hand you the card of P. Mockel, being "Adamson Exhibit No. 6" and call your attention to the entry under job number 5325, "31½ hours work on bushing for boring bar." Do you know anything about that work now?

A. I cannot recall about this special job. But if I may be allowed to state, when a boring bar goes down to a ship, they have got to have a bushing made to [254—166] fit the stuffing-box for a guide to the bar; that is a general thing in all ships, when they go to re bore a cylinder and take a boring bar there, it is a rare thing that you will find one to fit the stuffing-box; therefore they have to have a bushing made to fit the outside of the stuffing-box

(Testimony of Robert Adamson.)

to fit the bar inside to guide the bar.

Q. You do not know if that bushing was made for a boring bar in your shop or not?

A. I cannot recall about this special job, but that is what I say, that in all cases when they take the boring bar out to bore a cylinder in every ship, they have to get a bitt made to fit the stuffing-box to the bar in the center.

Q. This, from all the indications on the card, is shown to be bushing for a boring bar under job number 5325.

A. It shows that from the number itself.

Q. That is all you know about it?

A. That is all I know about it.

Q. I hand you the card of Rudolf Dolenski, that is "Adamson Exhibit No. 78"; that man's number is 377, is it not; his shop number?

A. It is on the card. That man's shop number is 377.

Q. On the card it is improperly entered as the machine number.

A. It has been put in the wrong corner of the card.

Q. Mr. Adamson, on your Exhibit No. 10, William Zaddard, I find that on August 30th there was work done on No. 5295, "Babbitting thrust collars" and on the card for the same man for the two following days, August 31st and September 1st, I find work done on "thrust collars" under No. 5325. Do you know anything about that work?

A. I would know about it at the time. I do not [255—167] know about it at the present time.

(Testimony of Robert Adamson.)

Mr. FRANK.—Show him the card.

The WITNESS.—Show me the card.

Mr. McCLANAHAN.—Q. I show you the last two cards referred to and ask you if you made the changes in red ink on those numbers.

A. The changes would be made under my orders, according to my orders at the time the man had got the wrong number on the job, and I would get it rectified right there when I was checking off the card.

Q. So that you authorized the change or directed the change, but you did not make it yourself.

A. I did not make it myself.

Q. Who made it?

A. The timekeeper right there, under my order, made the change in red ink. You will find all the changes are made in red ink to show a change is made.

Q. The timekeeper in the office?

A. The timekeeper in the office under my orders.

Q. Can you see very well, Mr. Adamson? I want to ask you if you can tell what the number was originally before it was changed. It looks to me like 5295 (handing).

Mr. FRANK.—What cards are these? Let me see.

A. (After examination.) It looks like 5295.

Mr. McCLANAHAN.—Q. Look at the other card, please. That is, the one of September 1st looks like 5295. A. It looks like it.

Q. What does the one of August 31st look like?

(Testimony of Robert Adamson.)

A. It looks like the same.

Q. Do you now have your mind refreshed at all as to that particular change in number? [256—168]

A. No, sir, I do not at the present time. I could not recall it at the present time.

Q. How would that mistake be discovered by you?

A. When I was checking up the time of the man who was working on it, and the job he was working on—I knew the jobs they were all working on at that time, and the numbers of the jobs.

Q. If 5295 was on there originally, it got on there through your directions to the operator?

A. Yes, sir.

Q. To put it on there? A. Yes, sir.

Q. And you got it from the slip that came from the office?

A. I got it from the job number that came from the office, and the work that was under that head, that number.

Mr. FRANK.—He is speaking of 5295, not of the changed number.

The WITNESS.—I am speaking about work in general, not about any specific piece there.

Mr. FRANK.—Q. Confine yourself to the question he asks. He asked you about the number 5295.

A. I did not understand that.

Mr. McCLANAHAN.—Q. Read it over, Mr. Reporter. I thought you understood it.

A. No, sir, I did not understand it.

Q. I think you did. A. I did not.

Q. Read it over, Mr. Reporter, and see if there is

(Testimony of Robert Adamson.)

any error in it, Mr. Adamson, and we will correct it.

(The reporter reads a portion of the testimony.)

Now, I will have to commence again, Mr. Adamson.

If 5295 was on there originally before the change in red ink— A. On this card?

Q. On the card of August 31st, 1909, it was put on there by the operator at your direction?

A. He did not put that number there at my direction.

Q. Why not?

A. He got the number mixed up, and got the wrong [257—169] piece number on that job on his card. When I came to check it up I got it rectified. I got the proper number put on it, the number that should have been on the job he was working on.

Q. How did he know to put any number on there unless you told him?

A. There are several numbers running through the shop at one time, different jobs. The operator sometimes is liable to get his numbers mixed up a little bit, but it was my place to check that over and put it right if I found it out. That is what I was there for at that time, to check over these time-cards and find that the numbers corresponded with the work the man would do.

Q. It was your place to see he put it down originally right, was it not?

A. Every man makes out his own time-card.

Q. From instructions as to the numbers given to him by you?

A. Yes, sir. But you cannot keep any man from

(Testimony of Robert Adamson.)

once in a while making a mistake in the number.

Q. How did you know that the work on that day on the thrust collars should be charged to the number 5325 and not 5295?

A. I had known at the time by the work that was in the shop, and the different numbers that I put on the jobs as a rule.

Q. On the day before you had been doing work on thrust collars under 5295?

A. That is quite possible.

Q. It is quite possible that you should do work on thrust collars under 5295 on one day and on the next day do it under another number?

A. Yes, sir, it is quite possible.

Mr. FRANK.—That is not the fact. Both numbers are changed.

The WITNESS.—Not necessarily on the same thrust collars.

Mr. McCLANAHAN.—Q. Not necessarily on the same thrust collars? A. No, sir. [258—170]

Q. Of course, if it was the same thrust collar it would have the same number, would it not, though the work was done on different days on the same ship?

A. Yes, sir; if they were working two different days on the same number, that number would appear both days on the card.

Q. That is not what I asked you. I asked you if the work was on the same thrust collar for two different days it would have the same number if it was the same ship? A. If it was the same collar?

(Testimony of Robert Adamson.)

Q. Yes..

A. That he worked on one day. There are more collars than one on a ship.

Q. You have not answered my question. If it was the same thrust collar that the man worked on Monday and he worked on Tuesday and it was for the same ship, it would have the same number?

A. Yes, sir, it would have the same number.

Q. I hand you the card of J. L. Chandler, being "Adamson No. 52" where I find that on August 31st, work was done on thrust collars for job No. 5295, and on the next day by the same man work was done on thrust collars for No. 5325. If that was for the same ship, have you any explanation to make of it?

A. Show me the cards.

Q. There they are (handing).

A. The only explanation I can give about that is that if a ship comes in there they probably order one thrust collar to be repaired in some way; that is done on a number that is entered before, already entered. Well, they find when they take out the other collars that they want to be repaired; then that has got to be done under another number, and that probably explains why there are two different numbers on that. [259—171]

Q. That is, a ship comes in and one thrust collar is found needing repair and you give it a number. Then the next day another is found needing repair and you give it another number. That is the explanation, is it? A. Yes, sir.

(Testimony of Robert Adamson.)

Q. Can you think of any other possible explanation?

A. As to distinguish the one from the other?

Q. Can you think of any other possible explanation of those two cards?

A. No, sir, that is the only explanation I can give for it.

Q. I hand you the cards of this man, J. L. Chandler, "Adamson Exhibit No. 52" and call your attention to the work done on September 2d by this man on spring bearings under job number 5295, and spring bearings on job number 5325. If that work in both instances was done on the same ship, can you make any explanation of the two numbers being given to the work on the same day?

A. I don't know they were for the same ship.

Q. I am assuming they are.

A. It comes under the same explanation as the other.

Q. Hardly. This is the same day.

A. That is quite possible.

Q. It is possible, the same day?

A. It is quite possible the same day.

Q. That on one ship a certain work was done on spring bearings under one number, and on the same ship on the same day work was done on spring bearings under another number?

A. That is quite possible.

Q. You have not any other explanation to make of that?

A. No, sir. [260—172]

(Testimony of Robert Adamson.)

Q. If there was only one spring-bearing job for that ship then your explanation would not be good, would it?

A. If there was only one spring bearing on that ship?

Q. Your explanation would not be good, would it?

A. Unless it came out for some other reason to make an alteration on it; as far as I understand, it requires more than one piece of work to make two numbers.

Q. Suppose that the ship comes to your shop requiring work done on her spring bearings and that work is given job number 5295, and on the same day work is done on the same ship on the same spring bearings and given another job number, can you make any explanation of that?

A. The same explanation yet, that probably one spring bearing would be called for to be repaired when she came in under the first specification, and the order taken for it. Then after that she was in the dock, that inspection being made out probably before she went in the dock. After they took off the first one and took out the shaft they probably find that the others want to be repaired too, and that is done under a separate number; that is the only explanation I can give.

Q. Suppose that the work to be done was the repairing of the spring bearings in the first instance on that ship. Can you explain why that should be given two numbers, that work?

A. Well, the explanation I would give of that, so

(Testimony of Robert Adamson.)

far as I could judge, is that the original order in connection with that, had to be that the work had to be added to. They ordered one thing to be done to the bearing, probably babbitted. That would be on the first order, and they would find probably it would be required to be planed off at the bottom, and that would be done as a separate item. [261—173]

Q. So that the matter of giving two numbers to that work under those circumstances would be for the purpose of keeping the work straight in the office? A. Straight in the office.

Q. So that they could make the proper charge?

A. So that they could charge according to the work that was done on it.

Q. Mr. Adamson, I hand you one of the cards that you have examined, and which has been introduced in evidence, the card of H. J. Strowenjans, under date of September 9th, 1909.

Mr. FRANK.—What exhibit is that?

Mr. McCLANAHAN.—Exhibit 17.

Q. The last entry on the card, can you tell me what that is? It looks like “bracket ranger.”

A. That is “bracket planer,” on the planing-machine, p-l-a-n-e-r.

Q. That is planer down there (pointing).

A. Yes, sir.

Q. What is this word out here (pointing). It is “ranger,” is it not? You had better take off your dark glasses.

A. Yes, sir. I have a very tender eye.

Q. Use your magnifying-glass to it.

(Testimony of Robert Adamson.)

A. I have no magnifying-glass.

Mr. FRANK.—He has no magnifying-glass; he has only seeing-glasses.

Mr. McCLANAHAN.—They look like magnifying-glasses to me.

A. It strikes me as bracket flanges; that is what it stands for.

Q. Read the whole thing.

A. "Bracket flanges on the planer." He worked on the planer, on these brackets and flanges.

Q. Bracket flanges on the planer?

A. Yes, sir, on the planer.

Q. That is the whole thing, is it?

A. That is the whole thing, as far as I can make it. [262—174]

Q. Mr. Adamson, examine that first letter which you have called an "f" being the first letter of the word flanges. Examine it again a little more carefully and see if you make it out to be an "f" or an "r." I will help you out. I have sent for a magnifying-glass. A. I can see it distinctly enough.

Q. You have done work for the tug "Ranger" from Eureka, haven't you?

A. Oh, yes, we have done work for the "Ranger," I guess.

Mr. McCLANAHAN.—The glass will be here in just a moment.

Mr. FRANK.—I think that card speaks for itself. Inasmuch as it is indistinct I do not think that this witness' expert writing experience will warrant that testimony. If you want the man who wrote it I

(Testimony of Robert Adamson.)

guess perhaps we can find him. He will tell what it is. I object to any guess on the part of this man as to what is on this indistinct lettering.

Mr. McCLANAHAN.—Q. I hand you a magnifying-glass, Mr. Adamson.

A. (After examination.) As far as I can make out, I will stand by what I said. It is meant for flanges, as far as I can make out.

Q. If the work is “Ranger,” and if job done No. 5295, to which that is charged is for the “Hilonian” can you make any explanation why the “Ranger” work should have the “Hilonian” job number?

A. I cannot recall anything about that nowadays. I don’t know if the “Ranger” was at the wharf, or where she was, or if any work was being done on the “Ranger” or anything about it.

Q. You cannot make any explanation about it under my hypothesis? A. No, sir.

Q. The question, Mr. Adamson, put to you by Mr. Frank when these time-cards were introduced, covered the job numbers the checking up of the job numbers, the hours worked, and the articles worked on. You remember that, do you?

A. Yes, sir. [263—175]

Q. I hand you the card of G. Martioli of September 15th, 1909, being “Adamson Exhibit No. 21,” or a part of “Adamson Exhibit No. 21,” where I find nine hours charged to job 5405, and the article worked on is “Buckman” crank shaft. On the same card I find charged to job number 5295 31½ hours. Will you please tell me what work was performed on

(Testimony of Robert Adamson.)

job No. 5295 covering those 3½ hours overtime?

A. I cannot tell you what job 5295 was, I stated that at the beginning.

Q. I am not asking you what job 5295 was. I want to know what work was done on job 5295 for which Mr. Martioli was credited 3½ hours overtime?

A. All I have to say in regard to that is that that card was checked off by me at the time, and found to be correct by the numbers that were on it, and the time charged on it at the time that I checked it off.

Q. You cannot tell then what work the 3½ hours overtime covered on that job? A. Not now.

Q. It does not show on the card, does it?

A. Show me the card again. (After examination.) There might have been two crank shafts in the shop worked on. That man is a helper; he helps at the big machine and the big lathe. He may have been working on one shaft so long and on another shaft so long, and another shaft again. That is the only explanation I can give to you.

Q. The work does not show on the card what was done on 5295. A. The crank shaft.

Q. It does not show on the card.

A. They do not as a rule put down twice the same job.

Q. Are you in the habit of passing cards similar to the one I have just shown you where there is no work shown opposite the number, [264—176] checking it up and allowing time for that unenumerated work?

Mr. FRANK.—The cards show he is not in the

(Testimony of Robert Adamson.)

habit of doing it. There might be an oversight now and then.

A. I knew that man was working on the job on the number that is checked off at that time.

Mr. McCLANAHAN.—Q. That is the best you can say to my question?

A. Yes, sir, at that time.

Q. I hand you the card of G. Martioli of September 18th, being card “Adamson Exhibit No. 21,” where it appears that you have checked to the operator’s account 6 hours of time under job 5295. Will you please tell me what work was done during those six hours?

A. Well, that helper would be helping on that job number the different people working on that job number. He would be helping all the men who would be working on that number. He is a shop helper.

Q. You have no other explanation to make, Mr. Adamson, of the card’s failure to show what work he was doing during those six hours?

A. Not the helper.

Q. What is that?

A. The helpers are helping all round on the different jobs that is under that head in the shop. They do not specify every little thing they are doing as a rule under one number.

(A recess was here taken until 2 P. M.) [265—
177]

(Testimony of Robert Adamson.)

AFTERNOON SESSION.

ROBERT ADAMSON, cross-examination resumed.

Mr. McCLANAHAN.—Mr. Frank, I am finding great difficulty in properly examining these time-cards and cross-examining this witness because of my lack of knowledge of the job numbers pertaining to the “Hilonian.” These cards evidently have mixed with “Hilonian” numbers which I don’t know, a great many other numbers that are not “Hilonian” job numbers. If you can furnish me those numbers now I think it would expedite the matter of the cross-examination of this witness very much.

Mr. FRANK.—In what way does it embarrass you?

Mr. McCLANAHAN.—Well, there is no designation on the card opposite the number as to who the work was for, and I am absolutely lost to know how to read the card intelligently or to cross-examine the witness, if I see fit to, on that point. I have an impression that 5295 is an “Hilonian” number.

Mr. FRANK.—I am sure I don’t know what the “Hilonian” numbers are.

Mr. McCLANAHAN.—You certainly have means of finding out.

Mr. FRANK.—Yes, but not now, not at this time.

Mr. McCLANAHAN.—All this card record aside from the “Hilonian” work is immaterial in this case.

Mr. FRANK.—Certainly it is.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—If we had the card numbers we could agree to eliminate from the cards all other numbers.

Mr. FRANK.—We will tabulate it for you, if that is what you want.

Mr. McCLANAHAN.—I suppose you will have to do that [266—178] before the case is over, but can't you do it now?

Mr. FRANK.—I suppose we can tabulate it.

Mr. McCLANAHAN.—I don't want these tabulated; I want simply the job numbers on the "Hilonian."

Mr. FRANK.—Well, we will get them. Can't you examine the witness without those this afternoon?

Mr. McCLANAHAN.—I am handicapped without them but I will proceed with the examination.

Mr. FRANK.—Well, of course, if you can do it—I don't want to encumber the record unnecessarily if you think you can cut the record down.

Mr. McCLANAHAN.—You recognize that there is a great deal on these cards that is immaterial to this case?

Mr. FRANK.—And there are a lot of things in the whole nine hours that don't go as against the "Hilonian."

Mr. McCLANAHAN.—And all that does not go against the "Hilonian." We could eliminate all that from the record if we knew the time numbers.

Mr. FRANK.—You could have eliminated it all

(Testimony of Robert Adamson.)

anyhow if you had sat down and checked them up with us.

Mr. McCLANAHAN.—I should think that would be a very easy matter to do, Mr. Curtis.

Mr. FRANK.—Mr. Curtis is neither witness nor boss nor attorney in this matter. He is not to answer. This is not for the record.

Mr. McCLANAHAN.—He is assisting you, Mr. Frank.

Mr. FRANK.—Yes, he is assisting me but that is no part of the record.

Mr. McCLANAHAN.—It is from him you are getting all these cards. [267—179]

Q. Mr. Adamson, did you know a man named David Doig, Sr.?

A. I do know a man by that name.

Q. Was he in the machine-shop of the United Engineering Works in August and September, 1909?

A. Yes.

Q. What was his position there?

A. Foreman.

Q. I thought you said you were the only foreman in the machine-shop at that time?

A. Not at that time, sir. I never said such a thing. I said I am the only foreman in the shop now. I stated that before this, that I was not the machine-shop foreman at that time; I was the assistant foreman on the surface-table. I explained that this forenoon.

Q. Well, we have had on our side of this case a misapprehension of your testimony.

(Testimony of Robert Adamson.)

A. I explained that distinctly this morning. I could not have been more explicit if I wanted to.

Q. So you were not the foreman at the time the work was done on the "Hilonian" in August and September?

A. I was not the shop foreman at that time. I was only the assistant foreman. It was my business to check the work as it came in and impress the numbers on it, and see that it went out under that number.

Q. Is David Doig still with the company?

A. He is not in the Alameda shop.

Q. Do you know where he is?

A. He still lives in Alameda and as far as I know he is still with the firm.

Q. What does he do? A. I don't know.

Mr. FRANK.—Well, now, I object to that sort of a fishing business. You can find Mr. Doig, if you want to, for I don't think this is the proper place to do it.

Mr. McCLANAHAN.—Q. How do you know that he is still with the firm? [268—180]

A. As far as I do know, I say he is still with the firm. I never have seen him to speak to him for practically the last 4 or 5 months. I am sure I did not.

Q. Then so far as you know he is not with the firm?

A. I don't know. I say as far as I know he is with the firm yet. I have said that three times, I think.

(Testimony of Robert Adamson.)

Q. Don't you know that the tug "Ranger" was at the works when the "Hilonian" work was being done? A. I don't know that.

Q. Don't you know that? A. I don't know it.

Q. Don't you know that the "Buckman" was there?

A. I don't know what vessels were there when the "Hilonian" was at the shop. I could not tell any man that.

Q. You know that the "Hilonian" was there?

A. I know that the "Hilonian" was there but I could not tell the date when the "Hilonian" was there.

Q. I call your attention to the card of William Schmidt, being one of Adamson's Exhibit 96, dated September 19, 1909, and I ask you to tell me what work job No. 5295 was charged with for the 11 hours of overtime shown by the card. This is the one (indicating).

A. Just excuse me for a moment, please.

Q. You are not looking at the card I referred to. That is the reason I interfered, Mr. Adamson.

A. I don't know what boat that lumber was on.

Q. I didn't ask you that. I asked you what work was done for job 5295 on that day for which 11 hours overtime is charged?

Mr. FRANK.—Let me look at that. Is that overtime?

Mr. McCLANAHAN.—It is Sunday.

A. It had been coupling bolts, worked under that number.